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KFI  
4225  
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vol.  
1880











# ACTS AND RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

## EIGHTEENTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA:

BEGUN JANUARY 12, AND ENDED MARCH 27, 1880.

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PUBLISHED BY AUTHORITY.

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DES MOINES:  
F. M. MILLS, STATE PRINTER.  
1880.



## STATE GOVERNMENT, 1880.

*List of State Officers, Judges of the Supreme, District and Circuit Courts, District Attorneys, Members and Officers of the General Assembly, at the time of the Passage of the Laws contained in this Volume.*

## EXECUTIVE DEPARTMENT.

NAME.	POSITION.	COUNTY FROM WHICH ORIGINALLY CHOSEN.
John H. Gear.....	Governor.....	Des Moines....
William H. Fleming..	Private Secretary.....	Clinton.....
Frank T. Campbell.....	Lieutenant-Governor.....	Jasper.....
John A. T. Hull.....	Secretary of State.....	Davis.....
William T. Hammond	Deputy Secretary of State.....	Jasper.....
Buren R. Sherman.....	Auditor of State.....	Benton.....
John C. Parish.....	Deputy Auditor of State.....	Polk.....
George W. Bemis.....	Treasurer of State.....	Buchanan.....
David L. Smith.....	Deputy Treasurer of State.....	Buchanan.. ...
James K. Powers.....	Register of State Land Office.....	Cass.....
John M. Davis.....	Deputy Register of State Land Office..	Polk.....
Carl W. von Coelln.....	Superintendent of Public Instruction...	Black Hawk...
Ira C. Kling.....	Deputy Supt. of Public Instruction...	Cerro Gordo...
John F. McJunkin.....	Attorney-General .....	Washington ...
Frank M. Mills.....	State Printer.....	Polk.....
Matt. Parrott.....	State Binder.....	Black Hawk...
William L. Alexander..	Adjutant and Inspector General and Acting Quartermaster General.....	Lucas.....
Mrs. S. B. Maxwell.....	State Librarian.....	Guthrie.....

## JUDICIAL DEPARTMENT.

## SUPREME COURT.

NAME.	POSITION.	COUNTY FROM WHICH CHOSEN.	POST-OFFICE.
Austin Adams.....	Chief Justice...	Dubuque.....	Dubuque.....
William H. Seevers.....	Judge.....	Mahaska.....	Oskaloosa.....
James G. Day.....	Judge.....	Fremont.....	Sidney.....
James H. Rothrock.....	Judge.....	Cedar.....	Tipton.....
Joseph M. Beck.....	Judge.....	Lee.....	Ft. Madison.....
Edward J. Holmes.....	Clerk.....	Jackson.....	Des Moines.....
John S. Runnells.....	Reporter.....	Polk.....	Des Moines.....

## DISTRICT COURTS.

District.	NAME.	POSITION.	COUNTY FROM WHICH CHOSEN.	POST-OFFICE.
1	Abraham H. Stutsman.....	Judge.....	Des Moines.....	Burlington...
2	Edward L. Burton.....	Judge.....	Wapello.....	Ottumwa.....
3	R. C. Henry.....	Judge.....	Ringgold.....	Mt. Ayr.....
4	Charles H. Lewis.....	Judge.....	Cherokee.....	Cherokee.....
5	William H. McHenry.....	Judge.....	Polk.....	Des Moines.....
6	John C. Cook.....	Judge.....	Jasper.....	Newton.....
7	Walter I. Hayes.....	Judge.....	Clinton.....	Clinton.....
8	John Shane.....	Judge.....	Benton.....	Vinton.....
9	Sylvester Bagg.....	Judge.....	Black Hawk.....	Waterloo.....
10	Ezekiel E. Cooley.....	Judge.....	Winneshiek.....	Decorah.....
11	James W. McKenzie.....	Judge.....	Franklin.....	Hampton.....
12	George W. Ruddick.....	Judge.....	Bremer.....	Waverly.....
13	Joseph B. Reed.....	Judge.....	Pottawattamie.....	Council Bluffs.....
14	Ed. R. Duffie.....	Judge.....	Sac.....	Sac City.....
1	Thomas A. Bereman.....	Dist. Attorney.	Henry.....	Mt. Pleasant..
2	Rufus B. Townsend.....	Dist. Attorney.	Monroe.....	Albia.....
3	Smith McPherson.....	Dist. Attorney.	Montgomery...	Red Oak.....
4	Stephen M. Marsh.....	Dist. Attorney.	Woodbury.....	Sioux City.....
5	William Connor, Jr.....	Dist. Attorney.	Polk.....	Des Moines.....
6	Edward W. Stone.....	Dist. Attorney.	Washington...	Washington...
7	H. H. Benson.....	Dist. Attorney.	Scott.....	Davenport.....
8	Milo P. Smith.....	Dist. Attorney.	Iowa.....	Marengo.....
9	II. B. Fouke.....	Dist. Attorney.	Dubuque.....	Dubuque.....
10	Cyrus Wellington.....	Dist. Attorney.	Winneshiek.....	Decorah.....
11	John L. Stevens.....	Dist. Attorney.	Story.....	Ames.....
12	J. B. Cleland.....	Dist. Attorney.	Mitchell.....	Osage.....
13	A. R. Anderson.....	Dist. Attorney.	Fremont.....	Sidney.....
14	J. M. Toliver.....	Dist. Attorney.	Calhoun.....	Lake City.....

# STATE GOVERNMENT.

## CIRCUIT COURTS.

District.	Circuit.	NAME.	POSITION.	COUNTY FROM WHICH CHOSEN.	POST-OFFICE.
1	1	John B. Drayer.....	Judge.....	Henry.....	Mt. Pleasant...
	2	Charles H. Phelps.....	Judge.....	Des Moines....	Burlington....
2	2	Robert Sloan.....	Judge.....	Van Buren....	Keosauqua....
3	3	D. D. Gregory.....	Judge.....	Union.....	Afton.....
4	4	J. R. Zuver.....	Judge.....	Woodbury....	Sioux City....
5	1	John Mitchell.....	Judge.....	Polk.....	Des Moines....
	2	Stephen A. Callvert.....	Judge.....	Dallas.....	Adel.....
6	6	Lucian C. Blanchard.....	Judge.....	Mahaska.....	Oskaloosa.....
7	1	Daniel W. Ellis.....	Judge.....	Clinton.....	Lyons.....
	2	DeWitt C. Richman.....	Judge.....	Muscatine.....	Muscatine.....
8	8	John McKean.....	Judge.....	Jones.....	Anamosa.....
9	9	Benjamin W. Lacy.....	Judge.....	Dubuque.....	Dubuque.....
10	10	Charles T. Granger.....	Judge.....	Allamakee....	Waukon.....
11	11	John H. Bradley.....	Judge.....	Marshall.....	Marshalltown..
12	12	Robert G. Reiniger.....	Judge.....	Floyd.....	Charles City...
13	13	C. F. Loofbourow.....	Judge.....	Cass.....	Atlantic.....
14	14	John N. Weaver.....	Judge.....	Kossuth.....	Algona.....

EIGHTEENTH GENERAL ASSEMBLY  
OF THE  
STATE OF IOWA,

*Which Convened at the Capitol, in Des Moines, Monday, January 12, and Adjourned  
March 27, 1880.*

SENATE.

No. District.	COUNTIES.	SENATORS.	POST-OFFICE.
1	Lee.....	James M. Shelley...	Keokuk.....
2	Van Buren and Davis.....	Henry C. Traverse.	Bloomfield....
3	Appanoose.....	Jesse J. Wall.....	Unionville....
4	Monroe and Wayne.....	David M. Clark....	New York....
5	Union, Clarke and Lucas.....	William M. Wilson..	Osceola.....
6	Decatur, Ringgold and Taylor.....	Isaac W. Keller....	Mt. Ayr.....
7	Fremont and Page.....	Philip W. Lewellen	Clarinda.....
8	Mills, Montgomery and Adams.....	Alfred Hebard.....	Red Oak.....
9	Des Moines.....	John Patterson....	Burlington...
10	Henry.....	John S. Woolson....	Mt. Pleasant..
11	Jefferson.....	Sanford M. Boling..	Fairfield.....
12	Keokuk.....	Sanford Harned....	Sigourney....
13	Wapello.....	Gregg A. Madson...	Ottumwa.....
14	Washington and Louisa.....	John W. Prizer....	Brighton.....
15	Mahaska.....	J. Kelly Johnson...	Oskaloosa....
16	Marion.....	James F. Greenlee..	Knoxville....
17	Warren.....	Mark A. Dashiell..	Hartford.....
18	Madison, Adair and Cass.....	Lafayette Young...	Atlantic.....
19	Pottawattamie.....	George F. Wright...	C. Bluffs.....
20	Muscatine.....	Thomas Hanna.....	Muscatine....
21	Scott.....	William A. Foster..	Davenport....
22	Clinton.....	Nath'niel A. Merrell	DeWitt.....
23	Cedar and Jones.....	John Russell.....	Onslow.....
24	Jackson.....	Pierce Mitchell....	Maquoketa....
25	Johnson.....	John C. Shrader....	Iowa City....
26	Iowa.....	Christian Hedges...	Marengo.....
27	Linn.....	John W. Henderson	Cedar Rapids..
28	Benton.....	John D. Nichols....	Vinton.....
29	Jasper.....	John Meyer.....	Newton.....
30	Polk.....	Robert C. Webb....	Des Moines...



## SENATE—CONTINUED.

No. District.	COUNTIES.	SENATORS.	POST-OFFICE.
31	Dallas, Guthrie, Audubon and Shelby.....	Samuel D. Nichols.	Panora.....
32	Marshall and Grundy.....	Delos Arnold.....	Marshalltown.
33	Boone and Story.....	John D. Gillett.....	Ogden.....
34	Harrison, Monona, Crawford, Ida and Sac..	Augustin W. Ford.	Magnolia... ..
35	Dubuque.....	Moses M. Ham.....	Dubuque.....
36	Delaware.....	Rodney W. Tirrill..	Manchester...
37	Hardin and Hamilton.....	Daniel D. Chase....	Webster City..
38	Black Hawk.....	H. C. Hemenway...	Cedar Falls...
39	Buchanan.....	Merritt W. Harmon.	Independence..
40	Clayton.....	Martin Garber.....	Elkport.. ..
41	Allamakee.....	Henry Nielander...	Lansing.....
42	Winneshiak.....	Martin N. Johnson.	Decorah.....
43	Fayette.....	William Larrabee..	Clermont.....
44	Bremer, Chickasaw and Howard.....	Aaron Kimball.....	Cresco.....
45	Poweshiek and Tama.....	Robert M. Haines..	Grinnell.....
46	Butler, Floyd and Mitchell.....	W. P. Gaylord.....	Nora Springs..
47	Winnebago, Worth, Cerro Gordo, Wright, Franklin and Hancock .....	F. M. Goodykoontz.	Mason City...
48	Calhoun, Carroll, Greene and Webster.....	John J. Russell....	Jefferson.....
49	Kossuth, Humboldt, Emmet, Dickinson, Clay, Palo Alto, Pocahontas, O'Brien and Osceola	Eldin J. Hartshorn.	Emmetsburg..
50	Woodbury, Plymouth, Sioux, Lyon, Chero- kee and Buena Vista.....	Albert H. Lawrence	Le Mars.....

## OFFICERS OF THE SENATE.

*President*—Frank T. Campbell, Newton, Jasper county.

*Secretary*—A. T. McCargar, Spencer, Clay county.

*Assistant Secretary*—Charles M. Holton, Iowa City, Johnson county.

*Second Assistant Secretary*—Eugene H. Odell, Council Bluffs, Pottawattamie county.

*Enrolling Clerk*—Miss Maggie L. Smith, Bloomfield, Davis county.

*Engrossing Clerk*—Miss Bell M. Dixon, Newton, Jasper county.

*Sergeant-at-Arms*—Austin P. Lowery, State Center, Marshall county.

*Door-Keeper*—Theo. Schreiner, Mt. Pleasant, Henry county.

*Janitor*—George H. Johnson, Des Moines, Polk county.

## HOUSE OF REPRESENTATIVES.

No. District.	COUNTIES.	NAMES OF MEMBERS.	POST-OFFICE.
1	Lee .....	Andrew B. Caldwell	Clay Grove...
		Joseph M. Casey...	Ft. Madison...
2	Des Moines .....	Samuel L. Glasgow.	Burlington ...
		J. Wilson Williams.	Huron .....
3	Henry .....	Joshua G. Newbold	Mt. Pleasant..
		Charles W. Payne..	Swedesburg ..
4	Jefferson .....	John W. Hayden...	Libertyville ..
5	Van Buren .....	Daniel W. Stutsman	Bonaparte .....
6	Wapello .....	F. M. Epperson....	Eddyville .....
		J. G. Hutchison..	Ottumwa .....
7	Davis .....	Samuel B. Downing	Drakesville .....
8	Monroe .....	James M. Robb....	Albia .....
9	Appanoose .....	Samuel Hixson ....	Walnut City..
10	Lucas .....	Warren S. Dungan .	Chariton .....
11	Wayne .....	A. C. Reck .....	Allerton .....
12	Clarke .....	John H. Martindale	Murray .....
13	Decatur .....	J. C. Porter .....	Leon .....
14	Union .....	Francis M. Richey.	Afton .....
15	Ringgold .....	Charles C. Bosworth	Eugene .....
16	Adams .....	Edmund Homan...	Mt. Etna .....
17	Taylor .....	Nathan S. Hornaday	Lenox .....
18	Montgomery .....	Zelotes T. Fisher..	Red Oak .....
19	Page .....	Watson E. Webster	Clarinda .....
20	Mills .....	Winfield S. Lewis..	Malvern .....
21	Fremont .....	Thomas R. Stockton	Sidney .....
22	Pottawattamie .....	George Carson .....	Council Bluffs
		Benj. F. Clayton...	Macedonia....
23	Cass .....	Oll Coomes .....	Wiota .....
24	Madison .....	Daniel Francis .....	Dexter .....
25	Warren .....	Wm. J. Cochran ...	Lacona .....
26	Marion .....	Lorin N. Hays .....	Knoxville .....
		Solomon F. Prouty..	Pella .....
27	Mahaska .....	James Bridges .....	Indianapolis .
		Joseph H. Evans...	Ferry .....
28	Keokuk .....	Cyrus H. Mackey..	Sigourney ....
29	Washington .....	Abram Pearson .....	Washington ...
30	Louisa .....	William A. Colton..	Columbus J'n.
31	Muscatine .....	Pliny Nichols .....	West Liberty..
		Isaac R. Terry .....	Wilton .....
32	Scott .....	Henry Egbert .....	Davenport ...
		Ernst Mueller .....	Davenport ...
		Bruce T. Seaman..	Davenport ...
33	Cedar .....	Robert G. Scott....	Wilton .....
34	Johnson .....	Moses Bloom .....	Iowa City ....
		Lewis R. Wolfe .....	Oxford .....
35	Iowa .....	Elvin Tilton .....	Deep River...
36	Poweshiek .....	Andrew J. Wood...	Brooklyn .....
37	Jasper .....	Eli E. Dotson .....	Colfax .....
		John M. Tool .....	Monroe .....
38	Polk .....	Josiah A. Harvey..	Des Moines...
		James C. Jordan...	Des Moines...
39	Dallas .....	Wm. S. Russell .....	Perry .....
40	Guthrie .....	Joel L. Palmer .....	Bear Grove...

## HOUSE OF REPRESENTATIVES—CONTINUED.

No. District.	COUNTIES.	NAMES OF MEMBERS.	POST-OFFICE.
41	Harrison .....	George Richardson.	Mo. Valley...
42	Boone .....	John H. Jennings..	Boone .....
43	Story .....	William D. Lucas...	Ames .....
44	Marshall .....	John M. Parker....	Marshalltown.
45	Tama .....	George R. Struble..	Toledo .....
46	Benton .....	Joseph E. Cobbey..	Vinton .....
47	Linn.....	Jacob K. Wagner..	Blairstown...
		William R. Brown..	Viola .....
		R. D. Stephens....	Marion .....
48	Jones .....	Silas M. Yoran ....	Monticello ...
49	Clinton .....	William Lake.....	Clinton .....
		LeRoi B. Wadleigh..	Clinton .....
50	Jackson .....	A. W. Richardson..	Riggs Station.
51	Dubuque.....	Samuel S. Simpson..	Bellevue.....
		Michael Ehl .....	Sherrill's Mt..
		William J. Knight..	Dubuque .....
52	Delaware .....	Dennis O'Brien....	Melleray .....
		Wm. H. Merten .....	Earlville .....
53	Buchanan.....	Isaac Muncey.....	Jesup .....
54	Black Hawk.....	Lore Alford.....	Waterloo .....
		Jeremiah L. Gay....	Cedar Valley..
55	Grundy .....	Abram V. Stout ...	Parkersburg ..
56	Hardin .....	Corydon M. Nagle..	Alden .....
57	Hamilton .....	Gilbert M. Blair....	Blairsburg ...
58	Webster .....	John F. Duncombe..	Ft. Dodge ....
59	Woodbury .....	John B. Belfrage...	Sergeant's Bl'f's
60	Butler .....	Alvin M. Whaley...	Aplington.....
61	Bremer .....	Ephraim J. Dean...	Plainfield.....
62	Fayette .....	Abner Lewis.....	Maynard .....
63	Clayton.....	Gregor McGregor...	McGregor .....
		John Van Staden..	McGregor .....
64	Allamakee .....	Thomas H. Barnes..	Waukon .....
65	Winnebago.....	Henry A. Baker....	Ossian.....
		Levi M. Hubbell...	Wash. Prairie..
66	Howard .....	Samuel S. Lambert..	Lime Springs..
67	Chickasaw .....	William B. Perrin..	Nashua.....
68	Mitchell .....	Isaac Patterson....	St. Ansgar....
69	Floyd .....	Orlo H. Lyon.....	Rockford .....
70	Plymouth, Sioux and Lyon.....	Alexander L. Beach	East Orange..
71	Monona, Crawford and Ida.....	Henry C. Laub ....	Denison .....
72	Cherokee, Buena Vista, Pocahontas and Sac.	D. J. McDaid .....	Sac City.....
73	Calhoun, Carroll and Greene.....	S. T. Hutchison....	Lake City ....
74	Adair, Audubon and Shelby.....	Platt Wicks.....	Harlan .....
75	Clay, Dickinson, O'Brien and Osceola.....	Walter B. Brown..	Spirit Lake...
76	Emmet, Humboldt, Kossuth and Palo Alto.	Anson D. Bicknell..	Humboldt .....
77	Hancock, Winnebago, Worth and Wright..	Justin M. Hull.....	Lake Mills...
78	Cerro Gordo and Franklin .....	John H. King.....	Hampton .....

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**OFFICERS OF THE HOUSE OF REPRESENTATIVES.**

*Speaker*—Lore Alford, Waterloo, Black Hawk county.

*Chief Clerk*—William V. Lucas, Mason City, Cerro Gordo county.

*First Assistant Clerk*—Ben. Van Steinburg, Preston, Jackson county.

*Second Assistant Clerk*—W. T. Wilkinson, Montrose, Lee county.

*Enrolling Clerk*—Mrs. J. S. Farron, Des Moines, Polk county.

*Engrossing Clerk*—Miss Ada P. Gaston, Vinton, Benton county.

*Sergeant-at-Arms*—Owen Bromley, Des Moines, Polk county.

*Postmasters*—

Mrs. N. B. Baker, Des Moines, Polk county.

Miss Mira E. Troth, Hampton, Franklin county.

*Door-Keeper*—George L. Bolton, Le Claire, Scott county.

*Janitor*—J. F. Morse, Brooklyn, Poweshiek county.

*Assistant Janitor*—Henry Bell, Des Moines, Polk county.

*Mail Carrier*—J. D. McGarraugh, Adelphi, Polk county.

## COMMISSIONERS IN OTHER STATES.

*List of Commissioners for Iowa in other States, qualified to act as such this 4th day of May, 1880, whose terms of office will not expire prior to July 4, 1880, published as required by Section 274 of the Code of 1873, showing the Name, Post-office and date of Commission, Qualification, and Expiration of Commission.*

## CALIFORNIA.

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
Edward Chastin.....	San Francisco.....	Jan. 15, 1878	Jan. 28, 1878	Jan. 15, 1881
N. Proctor Smith.....	San Francisco.....	Jan. 15, 1879	Aug. 4, 1879	Aug. 3, 1882
E. V. Joice.....	San Francisco.....	Oct. 9, 1879	Nov. 4, 1879	Nov. 3, 1882

## CONNECTICUT.

S. Arthur Marsden.....	New Haven.....	Oct. 31, 1879	Nov. 12, 1879	Nov. 3, 1882
David G. Gordon.....	Hartford.....	Jan. 7, 1880	Feb. 4, 1880	Feb. 3, 1883
Francis H. Parker.....	Hartford.....	April 9, 1880	April 4, 1880	April 3, 1883

## DISTRICT OF COLUMBIA.

A. S. Taylor.....	Washington.....	Feb. 12, 1880	Feb. 12, 1880	Feb. 11, 1883
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## GEORGIA.

Wm. B. Adams.....	Savannah.....	Sept. 12, 1878	Oct. 22, 1878	Oct. 3, 1881
John W. Burroughs.....	Savannah.....	March 13, 1880	March 13, 1880	March 12, 1883

## ILLINOIS.

S. S. Willard.....	Chicago.....	Jan. 25, 1878	Feb. 4, 1878	Feb. 3, 1881
John B. Thomas.....	Chicago.....	Feb. 19, 1878	March 4, 1878	March 3, 1881
Frank P. Crandon.....	Chicago.....	March 12, 1879	April 4, 1879	April 3, 1882
Philip A. Hoyne.....	Chicago.....	June 17, 1879	July 4, 1879	July 3, 1882
Albert G. Webber.....	Decatur.....	Sept. 19, 1879	Nov. 3, 1879	Oct. 3, 1882
Chas W. Hamilton.....	Brimfield.....	Jan. 20, 1880	March 23, 1880	Feb. 3, 1883

## LOUISIANA.

Charles T. Soulat.....	New Orleans.....	Nov. 6, 1879	Dec. 4, 1879	Dec. 3, 1882
Geo. A. Hero.....	New Orleans.....	April 22, 1880	May 4, 1880	May 3, 1883

## COMMISSIONERS IN OTHER STATES—CONTINUED.

## MARYLAND.

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
Ph. H. Hoffman .....	Baltimore.....	Jan. 2, 1878	Jan. 7, 1878	Jan. 3, 1881
G. Evett Reardon .....	Baltimore.....	May 20, 1878	May 24, 1878	June 3, 1881
Murray Hanson .....	Baltimore.....	Sept. 16, 1879	Oct. 4, 1879	Oct. 3, 1882

## MASSACHUSETTS.

Edward C. Perkins.....	Boston.....	Oct. 2, 1877	Nov. 4, 1877	Nov. 3, 1880
J. Henry Hill .....	Worcester.....	Nov. 19, 1877	Dec. 4, 1877	Dec. 3, 1880
David P. Kimball.....	Boston.....	Feb. 2, 1878	Feb. 6, 1878	Feb. 3, 1881
Hamilton D. Clark .....	Medford.....	Feb. 12, 1878	March 4, 1878	March 3, 1881
B. A. G. Fuller .....	Boston.....	March 20, 1878	April 4, 1878	April 3, 1881
Edward T. Merrihew .....	Boston.....	April 17, 1878	May 15, 1878	May 14, 1881
Chas. T. Duncklee.....	Newton Highlands.	July 3, 1878	Aug. 3, 1878	July 3, 1881
Chas. A. Adams .....	Boston.....	Sept. 17, 1878	Oct. 4, 1878	Oct. 3, 1881
Edward J. Jones.....	Boston.....	Jan. 25, 1879	Feb. 19, 1879	Feb. 18, 1882
Joseph B. Braman.....	Boston.....	June 7, 1879	July 4, 1879	July 3, 1882
Samuel Jennison.....	Boston.....	June 20, 1879	July 4, 1879	July 3, 1883
James B. Bell .....	Boston.....	June 25, 1879	July 7, 1879	July 3, 1882
James W. Chapman.....	Boston.....	Feb. 9, 1880	Feb. 9, 1880	Feb. 8, 1882
John L. Coffin.....	Boston.....	March 9, 1880	March 9, 1880	March 8, 1883

## MICHIGAN.

C. Mott Williams.....	Detroit.....	Oct. 4, 1878	Nov. 4, 1878	Nov. 3, 1881
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## MISSOURI.

O. S. Charlot.....	St. Louis.....	March 25, 1878	April 4, 1878	April 3, 1881
Chas. D. Green, Jr.....	St. Louis.....	Aug. 1, 1879	Aug. 4, 1879	Aug. 3, 1882
Geo. B. Glover .....	St. Louis.....	Sept. 30, 1879	Oct. 4, 1879	Oct. 3, 1882
John W. Hodgkin.....	St. Louis.....	Dec. 13, 1879	Jan. 4, 1880	Jan. 3, 1883

## NEBRASKA.

Watson B. Smith.....	Omaha .....	Aug. 4, 1879	Aug. 6, 1879	Aug. 3, 1882
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## NEW JERSEY.

Henry J. Stratemeyer, Jr.....	Elizabeth.....	Dec. 14, 1877	Jan. 4, 1878	Jan. 3, 1881
Wm. J. Lyon .....	Jersey City.....	Nov. 29, 1878	Dec. 9, 1878	Dec. 3, 1881
George P. Kingsley.....	Orange.....	June 23, 1879	July 4, 1879	July 3, 1882

## NEW YORK.

Edward W. Francis.....	New York.....	July 20, 1877	Aug. 4, 1877	Aug. 3, 1880
Rufus K. McHarg.....	New York.....	Oct. 22, 1877	Oct. 27, 1877	Oct. 26, 1880
George M. Elwood.....	Rochester .....	Nov. 9, 1877	Dec. 4, 1877	Dec. 3, 1880
Lucius W. How .....	New York.....	Nov. 21, 1877	Dec. 4, 1877	Dec. 3, 1880
Louis Fucot .....	New York.....	Dec. 4, 1877	Jan. 4, 1878	Jan. 3, 1881
Benjamin F. Hillery.....	New York.....	Jan. 14, 1878	Jan. 31, 1878	Jan. 14, 1881
George R. Jacques.....	New York.....	Jan. 29, 1878	Feb. 7, 1878	Feb. 3, 1881
Louis Beckhardt.....	New York.....	Feb. 9, 1878	March 16, 1878	March 3, 1881
Thomas Kilvert.....	New York.....	March 1, 1878	March 7, 1878	March 3, 1881
Augustus Buckingham.....	New York.....	March 23, 1878	April 8, 1878	April 3, 1881
Wm. Menzies Adams.....	New York.....	April 29, 1878	May 14, 1878	May 3, 1881
Spencer C. Doty .....	New York.....	June 28, 1878	July 5, 1878	July 3, 1881
Edward H. Litchfield.....	New York.....	Aug. 13, 1878	Aug. 19, 1878	Aug. 18, 1881
Eleazer Jackson .....	New York.....	Nov. 7, 1878	Dec. 4, 1878	Dec. 3, 1881
Chas. T. Lunt.....	New York.....	Nov. 22, 1878	Dec. 4, 1878	Dec. 3, 1881
Edward J. Stapleton.....	New York.....	Jan. 4, 1879	Feb. 4, 1879	Feb. 3, 1882
Emanuel B. Hart .....	New York.....	Jan. 16, 1879	Feb. 4, 1879	Feb. 3, 1882

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NEW YORK—CONTINUED.

NAME.	POST-OFFICE.	DATE OF COM- MISSION.	DATE AFTER WHICH QUALI- FIED TO ACT.	DATE OF EXPI- RATION.
Jas. M. McKinlay .....	New York .....	Jan. 24, 1879	Feb. 4, 1879	Feb. 3, 1882
John A. Hillery .....	New York .....	Feb. 11, 1879	Feb. 15, 1879	Feb. 14, 1882
Richard M. Bruno .....	New York .....	Feb. 22, 1879	March 4, 1879	March 3, 1882
Geo. F. Lincoln .....	New York .....	Feb. 25, 1879	March 4, 1879	March 3, 1882
Wm. H. Clarkson .....	New York .....	April 14, 1879	May 4, 1879	May 3, 1882
Jacob Du Bois .....	New York .....	April 17, 1879	May 4, 1879	May 3, 1882
Monroe Crannell .....	Albany .....	May 8, 1879	May 17, 1879	May 16, 1882
Chas. Edgar Mills .....	New York .....	May 13, 1879	June 4, 1879	June 3, 1882
Wm. S. Burns .....	Bath .....	June 17, 1879	July 4, 1879	July 3, 1882
Chas. Nettleton .....	New York .....	Aug. 1, 1879	Aug. 10, 1879	Aug. 9, 1882
Francis P. Burke .....	New York .....	Aug. 18, 1879	Sept. 4, 1879	Sept. 3, 1882
Henry C. Banks .....	New York .....	Aug. 19, 1879	Sept. 4, 1879	Sept. 3, 1882
Joseph B. Nones .....	New York .....	Sept. 2, 1879	Sept. 5, 1879	Sept. 3, 1882
Thos. F. Ward .....	New York .....	Sept. 2, 1879	Sept. 5, 1879	Sept. 3, 1882
Edwin F. Corey .....	New York .....	Sept. 9, 1879	Oct. 11, 1879	Sept. 19, 1882
Armour C. Anderson .....	New York .....	Dec. 30, 1879	Jan. 4, 1880	Jan. 3, 1883
Jas. D. Warner .....	New York .....	Feb. 20, 1880	Feb. 20, 1880	Feb. 19, 1883
Wm. F. Lett .....	New York .....	Feb. 20, 1880	Feb. 20, 1880	Feb. 19, 1883
Elias Lewis .....	Stenben .....	March 1, 1880	March 1, 1880	Feb. 28, 1883
Frank Saunders .....	New York .....	March 9, 1880	March 5, 1880	March 4, 1883

OHIO.

Henry C. Drinkle .....	Lancaster .....	Dec. 7, 1877	Dec. 13, 1877	Dec. 6, 1880
Walter S. Dilatush .....	Lebanon .....	June 19, 1879	July 22, 1879	July 3, 1882
Samuel S. Carpenter .....	Cincinnati .....	June 30, 1879	July 8, 1879	July 7, 1882
Howard Douglass .....	Cincinnati .....	Dec. 10, 1879	Jan. 4, 1880	Jan. 3, 1883

OREGON.

Eugene D. White .....	Portland .....	May 9, 1878	June 4, 1878	June 3, 1881
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PENNSYLVANIA.

Thomas J. Hunt .....	Philadelphia .....	Nov. 10, 1877	Dec. 4, 1877	Dec. 3, 1880
Alexander Ramsey .....	Philadelphia .....	Dec. 14, 1877	Dec. 18, 1877	Dec. 15, 1880
Edward S. Sayres, Jr. ....	Philadelphia .....	Feb. 5, 1878	March 4, 1878	March 3, 1881
Henry E. Garsed .....	Philadelphia .....	Feb. 20, 1878	March 4, 1878	March 3, 1881
Francis C. Fallon .....	Philadelphia .....	Feb. 21, 1878	March 4, 1878	March 3, 1881
Henry E. Hindmarsh .....	Philadelphia .....	March 11, 1878	April 6, 1878	April 5, 1881
Albert L. Wilson .....	Philadelphia .....	May 15, 1878	May 20, 1878	May 14, 1881
Benj. F. Moore .....	Philadelphia .....	Aug. 20, 1878	Sept. 4, 1878	Sept. 3, 1881
Chas. Chauncey .....	Philadelphia .....	Dec. 13, 1878	Jan. 4, 1879	Jan. 3, 1882
Joseph Frankish, Jr. ....	Philadelphia .....	March 22, 1879	April 4, 1879	April 3, 1882
Kinley J. Tener .....	Philadelphia .....	June 27, 1879	July 8, 1879	July 3, 1882
William F. Robb .....	Pittsburgh .....	July 8, 1879	July 20, 1879	July 19, 1882
Sam'l L. Taylor .....	Philadelphia .....	July 11, 1879	July 18, 1879	July 18, 1882
John H. Wheeler .....	Philadelphia .....	July 18, 1879	Aug. 4, 1879	Aug. 3, 1882
Theodore D. Rand .....	Philadelphia .....	Aug. 5, 1879	Sept. 4, 1879	Sept. 3, 1882
Edward Shippen .....	Philadelphia .....	Dec. 11, 1879	Jan. 4, 1880	Jan. 3, 1883
John Sparhawk .....	Philadelphia .....	Dec. 17, 1879	Jan. 4, 1880	Jan. 3, 1883
James Crowe .....	Philadelphia .....	April 2, 1880	April 4, 1880	April 3, 1883
J. Paul Diver .....	Philadelphia .....	May 1, 1880	May 4, 1880	May 3, 1883

WISCONSIN.

Wm. H. Morris .....	Milwaukee .....	March 5, 1878	April 4, 1878	April 3, 1881
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# L A W S

OF THE

## EIGHTEENTH GENERAL ASSEMBLY

OF THE

### STATE OF IOWA,

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE  
CAPITAL OF THE STATE; BEGUN ON THE TWELFTH DAY OF  
JANUARY, AND ENDED ON THE TWENTY-SEVENTH  
DAY OF MARCH, A. D. MDCCCLXXX, IN THE  
THIRTY-FOURTH YEAR OF THE STATE.

#### CHAPTER 1.

##### EXPENSES OF INAUGURATION CEREMONIES.

AN ACT Appropriating Money to Defray Inauguration Expenses. S. F. 19.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of ninety-eight dollars and thirty-five cents, or so much thereof as may be necessary, to pay expenses incurred by the inauguration ceremonies. \$98.35 appropriated.

SEC. 2. This act, being deemed by the general assembly of immediate importance, shall be in force from *an* [and] after its publication in the Daily Iowa State Register, and Daily Iowa State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved, January 30, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, January 31, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 2.

## CAPITAL PUNISHMENT.

Sub. H. F. 28. AN ACT to Amend Sections one (1), two (2), and three (3), of Chapter 165, of the *Public Acts* of the Seventeenth General Assembly of the State of Iowa, in relation to Capital Punishment.

*Be it enacted by the General Assembly of the State of Iowa:*

§ 1, Chap. 165,  
17 G. A.,  
amended.  
Sentence.

SECTION 1. That section one (1), of chapter 165, of the *public acts* of the seventeenth general assembly be and the same is hereby amended, by adding thereto the following words: "or by the court if the defendant pleads guilty."

§ 2 amended.

If found guilty  
jury shall name  
punishment.

SEC. 2. That section two of said act be and the same is hereby amended, so as to read as follows: "Upon trial of an indictment for murder the jury, if they find the defendant guilty of murder in the first degree, must designate in their verdict whether he shall be punished by death, or imprisonment for life at hard labor in the penitentiary. But if such defendant be convicted upon a plea of 'guilty,' the court shall designate whether he shall be punished by death or imprisonment for life at hard labor in the penitentiary."

Under plea of  
guilty court  
shall designate.

§ 3 amended.  
In case the sen-  
tence is death.

SEC. 3. That section three (3) of said act be and the same is hereby amended by striking out the first twelve words thereof and substituting in lieu thereof the following: "Whenever the court or jury shall designate that a defendant shall be punished by death."

Publication.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, February 11, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, February 12, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 3.

## INCORPORATION OF LIME SPRINGS LEGALIZED.

AN ACT to Legalize the Incorporation and Ordinances of the Town H. F. 24.  
of Lime Springs, Howard County, Iowa.

## PREAMBLE.

WHEREAS, The town of Lime Springs, Howard county, Iowa, embracing the s. e.  $\frac{1}{4}$  and the s.  $\frac{1}{4}$  of the n. e.  $\frac{1}{4}$  of section twenty-nine (29), township one hundred (100) north, range twelve (12) west, and a tract of land known as Cary's addition to Lime Springs, being situated on the w.  $\frac{1}{4}$  of the s. w.  $\frac{1}{4}$  of section twenty-eight (28), in said township one hundred (100), range twelve (12), on or about the 1st day of March, A. D. 1876, duly filed its petition to be incorporated under the general incorporation laws of the state of Iowa; and,

Preamble.

WHEREAS, Said town of Lime Springs, on the 17th day of April, A. D. 1876, in pursuance of a duly published notice as by law provided, held an election for the submission to the qualified electors therein the question of incorporation, and the result of said election was largely and unanimously in favor of the incorporation; and,

WHEREAS, On the 8th day of May, A. D. 1876, said town held its first election for municipal officers, and has regularly transacted business since and enacted ordinances; and,

WHEREAS, On the 1st day of December, A. D. 1876, the courthouse in said county of Howard, together with all the court records and other papers, relative or pertaining to the said incorporation, were wholly destroyed by fire; and,

Records  
burned

WHEREAS, Through some mistake or oversight certified copies of the papers and proceedings were never filed in the offices of the recorder of Howard county, Iowa, and secretary of state, as by law required; and,

Not filed with  
county recorder  
and secretary  
of state.

WHEREAS, At the October, 1879, term of the circuit court of Iowa in and for Howard county, a petition was presented together with a correct plat or map of the said town, embracing the said territory herein described, asking that the records of the said court relative to said incorporation be restored and reinstated, and a decree was granted by said court in accordance with the prayer of said petition; and,

WHEREAS, Certified copies of said proceedings, papers, plats and decree have been and are now on file in the office of the recorder of Howard county, Iowa, and secretary of state; and,

WHEREAS, Doubts have arisen as to the legality of said in-

corporation and of the ordinances ordained thereunder; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Incorporation  
of town and acts  
of officers  
legalized.

SECTION 1. That the incorporation of the town of Lime Springs, Howard county, Iowa, be and the same is hereby legalized, and that all of the official acts of the council of said town of Lime Springs, so far as valid and legal but for such defective organization, performed since its organization, and all their acts in the organization thereof be and the same are hereby legalized and declared legal and valid to the same extent as if said organization had been made in accordance with law, and that the officers and each of them are hereby empowered and authorized to hold their offices respectively and perform all the acts and duties incident thereto until the election and qualification of others in their stead.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and in the Lime Springs Tribune, newspapers published at Des Moines, Iowa, and at Lime Springs, Iowa, said publication to be without expense to the state.

Approved, February 11, 1880.

I hereby certify that the above act was published in the *Iowa State Register*, February 13, 1880, and the *Lime Springs Tribune*, February 19, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 4.

### LEGALIZING ACTS OF TRUSTEES OF TOWN OF OLIN.

H. F. 32.

AN ACT to Legalize the Acts of the Board of Trustees of Olin, Jones county, Iowa.

Preamble.

WHEREAS, In the year 1878 proceedings were entered and all necessary acts performed for the incorporation of the town of Olin, Jones county, Iowa, and all acts having been in accordance with law except the election of a board of five (5) trustees, who performed the duties pertaining to the office, supposing they were a legally constituted body; and,

WHEREAS, By an act of the seventeenth general assembly (amendatory of the statute) requiring six trustees instead of five, some doubt arises relative to the legality of the acts of said board of five trustees; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Official acts of  
board of trustees  
legalized.

SECTION 1. That the official acts of the board of trustees of the town of Olin, Jones county, Iowa, are hereby legalized and made valid, the same as if said board of trustees had been composed of six members as provided in chapter nine (9), acts of the seventeenth general assembly.



SEC. 2. This act, being deemed of immediate importance, shall take effect and be in full force from and after publication in the *Anamosa Eureka*, a newspaper published in Anamosa, Iowa, and the *Iowa State Register*, a newspaper published at Des Moines, Iowa, the same being without expense to the state. Publication.

Approved, February 16, 1880.

I hereby certify that the foregoing act was published in the *Anamosa Eureka*, February 19, 1880, and *Iowa State Register*, February 21, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 5.

### MUTUAL AID OR BENEVOLENT SOCIETIES.

AN ACT to Amend Section 2372 of the Code, relative to the Non-H. F. 118.  
Liability for the Debts of Deceased Persons, of money made payable by Mutual Aid and Benevolent Societies.

*Be it enacted by the General Assembly of the State of Iowa:*

That section 2372, chapter 3, title 16, of the Code, be, and the same is hereby amended, as follows: Code, § 2372, amended.

SECTION 1. By inserting after the word "insurance" in the first line of said section 2372, the following words, "or any other sum of money made payable by any mutual aid or benevolent society, upon the death of a member of such society."

Money payable by mutual aid society not liable for debts of decedent.

Approved, February 19, 1880.

## CHAPTER 6.

### REPORT OF STATE HORTICULTURAL SOCIETY.

AN ACT to Amend Section 1120 of the Code of 1873, in relation to Publication and Distribution of the Reports of the State Horticultural Society. H. F. 358.

*Be it enacted by the General Assembly of the State of Iowa:*

That section 1120, chapter three (3) of the Code of 1873, be and the same is hereby amended to read as follows: Code, § 1120, amended.

Section 1120. The number of copies of said report shall be five thousand, all of which shall be bound in a style uniform with the reports of said society for the year eighteen hundred

Five thousand copies shall be printed.

**Distribution.**

and sixty-nine (1869) and eighteen hundred and seventy (1870), and shall be distributed by the secretary of state as follows: twelve copies each to the governor, lieutenant-governor, secretary of state, auditor of state, treasurer, register of state land office, attorney-general, judges of the supreme court, and to each member of the general assembly; two hundred copies to the Iowa state agricultural college, five copies to the Iowa state university, five copies to the Iowa state horticultural society, two copies to each incorporated college in the state, one copy each to the auditor, and clerk of the district court of each county to be kept in the office, and one copy to each newspaper published in the state, the remainder to be distributed by direction of said society.

**Publication.**

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, February 20, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 23, and in the *Iowa State Register*, February 24, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 7.

### ELECTION OF SCHOOL DIRECTORS.

**S. F. 7.**

AN ACT to Amend Sections 1719 and 1808 of the Code of 1873, in relation to a Tie Vote of the Electors at an Election of School Directors.

**Code, § 1719, amended.**

In case of tie vote for sub-director, choice shall be made by lot.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 1719 of the Code of 1873, be and the same is hereby amended by adding to said section the following: "When there is a tie vote between two persons for the office of sub-director, the secretary shall notify the secretary of the district township board of such tie vote, and shall notify said persons to appear at the regular meeting of the board on the third Monday in March to determine the tie vote by lot before one or more members of the board elected, and the certificate of election shall be given accordingly. Should either party fail to appear or take part in the lot, the secretary shall draw for him."

**Code, § 1808, amended.**

In case of tie vote for director, choice shall be made by lot.

SEC. 2. That section 1808 be and the same is hereby amended by annexing to the said section the following: "In cases of a tie vote in the election of director or directors, the secretary shall notify them to appear at the regular meeting of the board on the third Monday in March to determine their election by lot before one or more members of the board elected, and the cer-

tificate of election shall be given accordingly. Should either party fail to appear or take part in the lot, the secretary shall draw for him."

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines. Publication.

Approved, February 23, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, February 26, 1880, and *Iowa State Leader*, February 24, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 8.

### INDEPENDENT SCHOOL DISTRICTS.

AN ACT to amend the law Governing the Election of Directors and the Powers of Boards of Directors of Independent School Districts. H. F. 339.  
Amendatory of Code, Title XII, Chapter 9.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That in independent school districts having a population of not less than fifteen thousand inhabitants shall be divided into not less than three, nor more than six, election precincts, in each of which a poll shall be held at a convenient place. to be appointed by the board of directors, for the reception of the ballots of the electors residing in such precinct at said election. Independent school districts of not less than 15,000 inhabitants divided into election precincts.

SEC. 2. The board of directors shall provide for the submission of all questions relating to the powers reserved to the electors, under section 1807 of the Code, which questions shall be decided by ballot, returns to be made on questions submitted as hereinafter provided. Submission of questions to electors.

SEC. 3. A register of the electors residing in each precinct shall be prepared by the board of directors from the register of the electors for [of] any city, town, or township, which is in whole or in part included within such independent school district, and for that purpose a copy of such register of electors shall be furnished by the clerk of each such city, town, or township to the board of directors. Said board shall, in each year before the annual election for directors, revise and correct such school election registers by comparison thereof with the last register of elections for such cities, towns, and townships. And the register provided for by this section shall have the same force and effect at elections held under this act and in respect to the reception of votes at said elections as the register of elections has by law at general elections. Register of electors residing in each precinct.  
Copy of furnished by the clerk.  
Board shall revise such school election register.  
Force and effect of such register.

Notice of  
election given.

SEC. 4. Notice of every election under this act shall be given in each district in which the same is to be held by the secretary thereof by posting up the same in three public places in said district and by publication in a newspaper published therein for two weeks preceding such election. Such notice shall also state the respective *elective* [election] precincts, and the polling place in each precinct.

Judges of  
election.

SEC. 5. The board of directors shall appoint one of their own number and another elector of the district to act as judges of election, and a clerk for each polling place who shall be sworn as provided by section 609 of the Code in case of general elections. The polls shall be opened from 9 o'clock A. M. to 6 o'clock P. M. If either of the judges, or clerk, fail to attend, his place may be filled by the others, by appointing an elector attending in his place, and if all fail to attend in time, or refuse to serve or be sworn, the electors present shall choose two judges and a clerk from the electors attending. A ballot-box and the necessary poll-book shall be provided by the board of directors for each precinct, and the election shall be conducted in the same manner, and under the same rules and regulations so far as applicable, as *or* [are] provided by chapter 3 of title V of the Code for general elections.

Polls opened  
and closed.

Fill vacancy in  
case of failure  
to attend.

Board of direc-  
tors to provide  
ballot-box.

Judges and  
clerk shall can-  
vass the vote  
etc.

Board of direc-  
tors shall meet  
Monday after  
the election etc.

Secretary to  
issue certificate  
of election.

Repealing  
clause.

Publication.

SEC. 6. The judges of election and clerk in each precinct shall canvass the vote therein, and shall as soon as possible make out, sign, and return to the secretary of the district a certificate showing the whole number of votes cast in such precinct, and the number of votes in favor of each person voted for, and questions submitted. The board of directors shall meet on the next Monday after the election and canvass the returns, and ascertain the result of the election, the whole number of votes cast, and the number in favor of each person voted for shall be entered in their record, and the persons respectively receiving the highest two numbers of votes shall be declared elected, and all questions submitted receiving a majority of votes cast shall be recorded as carried. The secretary shall issue to each person so elected a certificate of his election.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 8. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, February 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, February 28, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 9.

## CHANGE OF VENUE IN CRIMINAL CASES.

AN ACT to Repeal Chapter 171 of the Acts of the Seventeenth General Assembly. H. F. 129.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That chapter 171 of the acts of the seventeenth general assembly, amending section 4374 of the Code of 1873, be and the same is hereby repealed. 17th G. A., chapter 171 repealed, which provided that change of venue should be allowed on certain grounds.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Iowa State Leader, daily newspapers published at Des Moines, Iowa. Publication.

Approved, February 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, February 28, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 10.

## LEGALIZING THE INCORPORATION OF TOWN OF REINBECK.

AN ACT to Legalize and Correct an Error in the Proceedings and Acts Incorporating the Town of Reinbeck, in Grundy county, Iowa. H. F. 224.

WHEREAS, Heretofore, to-wit, on the eighth day of March, A. D. 1878, there was filed in the circuit court of Grundy county, Iowa, a petition for the incorporation of the town of Reinbeck, in said county; and, Preamble.

WHEREAS, By reason of a clerical error in the description of the boundary lines in said petition as published in the notice contemplated in section 422 of the Code of 1873, doubts have arisen as to the exact limits of said town; and, Error in description as published.

WHEREAS, Certain errors are alleged to have been committed in carrying out the provisions of sections 423, 424 and 425 of the Code of 1873; and,

WHEREAS, Doubts have arisen as to the legality of the acts of the trustees of said town in passing laws and ordinances for the government thereof and the promotion of its interests; and,

WHEREAS, None of the alleged errors or irregularities have wrought any detriment or injury to any inhabitant of said town; therefore,

*Be it enacted by the General Assembly of the State of Iowa :*

Legallizing  
clause.

Boundaries de-  
fined.

SECTION 1. That all the territory included in the plat attached to the petition aforesaid, and as the same now appears of record in said county, be and the same is hereby declared as within the incorporate limits of the town of Reinbeck, and the boundaries of said town shall be as follows, to-wit: commencing at a point thirty-two (32) rods north and twenty-eight (28) rods west of the south-east corner of the south-west quarter ( $\frac{1}{4}$ ) of section twenty-one (21), township eighty-seven (87), range fifteen (15), thence running south one hundred and seventy (170) rods, thence west one hundred and sixty-six (166) rods, thence north one hundred and seventy (170) rods, thence east one hundred and sixty-six (166) rods to the place of beginning; containing one hundred and seventy-six and three-eighths ( $176\frac{3}{8}$ ) acres of land, more or less, according to survey. And the said proceedings to incorporate the territory within said boundaries and in the plat aforesaid are hereby legalized and declared to be of the same force and effect as though the description published in the notice of election conformed to the petition and plat filed in the circuit court of said Grundy county, Iowa; and all the official acts of the acting officers of the town of Reinbeck, and all the ordinances passed by the acting trustees, or town council, of said town, be, and the same are hereby legalized and declared to be of the same force and effect as though no errors or irregularities had occurred in said proceedings.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force on and after its publication in the Iowa Daily State Register, published at Des Moines, and Reinbeck Times, a paper published at the town of Reinbeck, Grundy county, Iowa, without expense to the state.

Approved, February 27, 1880.

I hereby certify that the foregoing act was published in the *Iowa Daily State Register*, March 5, 1880, and *Reinbeck Times*, March 25, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 11.

## BREAKING AND ENTERING BUILDINGS.

AN ACT for the Punishment of Persons for Attempting to Break and Enter Buildings with Intent to Commit a Public Offense, Additional to Chapter 3, Title XXIV, Code, Concerning "Offenses Against Property." S. F. 191

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That if any person, with intent to commit any public offense, shall attempt to break and enter any dwelling-house, at any time, or to enter any dwelling-house in the night-time without breaking, or at any time to break and enter any office, shop, store, warehouse, railroad car, boat, vessel, or any building in which any goods, merchandise, or valuable things are kept for use, sale, or deposit, he shall be punished by imprisonment in the penitentiary not more than five years, or by fine not exceeding three hundred dollars and imprisonment in the county jail not more than one year.

Breaking and entering dwellings at any time, or entering a dwelling in night, or to break and enter any office, etc., punished by fine and imprisonment.

Approved, February 27, 1880.

## CHAPTER 12.

## MANAGEMENT OF PERMANENT SCHOOL FUND.

AN ACT in Relation to Loaning and Management of the Permanent School Fund. S. F. 58.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. The rate of interest on all permanent school funds loaned after January 1, A. D. 1880, shall not exceed eight per cent per annum from date of such loan.

Rate of interest after Jan. 1, 1880.

SEC. 2. Interest not paid when due shall bear interest at the same rate as the principal.

Interest not paid to bear interest.

SEC. 3. After July 1, A. D. 1880, the counties having permanent school funds in control shall be charged only six per cent, instead of eight per cent as now provided by the Code.

After July 1, 1880, six per cent.

SEC. 4. Section 1846 of the Code is hereby amended by striking out the words "ten per cent" in the sixteenth and seventeenth lines, and inserting in lieu thereof the words "eight per cent."

§ 1846 of the Code amended.

§ 1873 of the  
Code amended.

SEC. 5. Section 1873 of the Code is hereby amended by adding at the end of the section the following: "But in no case to exceed ten per cent on the amount for which judgment is rendered; and in no case to exceed the sum of twenty-five dollars.

Loans to one  
person may be  
\$1000.  
Proviso.

SEC. 6. Loans may hereafter be made to one person, or one company, to the amount of one thousand dollars: *Provided*, it is found impracticable to keep the whole amount of the funds loaned in sums of five hundred dollars or less.

Repealing  
clause.

SEC. 7. All laws inconsistent with this act are hereby repealed.

Publication  
clause.

SEC. 8. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, February 27, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 3, 1880, and *Iowa State Leader*, March 1, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 13.

### COUNTY TAX LEVY.

S. F. 183.

AN ACT to Amend Chapter 28 of the Public Acts of the Fifteenth General Assembly, in Relation to the Assessment of Taxes.

*Be it enacted by the General Assembly of the State of Iowa:*

Amending § 1,  
chapter 28, Pub-  
lic Acts, 15 G.  
A.

SECTION 1. That section 1, chapter 28, of the public acts of the fifteenth general assembly be amended by adding thereto the following: Except to counties having an area exceeding nine hundred square miles, and to such counties the provisions hereof shall apply.

Publication  
clause.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force on and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Council Bluffs Nonpareil, a newspaper published at Council Bluffs, Iowa.

Approved, February 27, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 3, 1880.

J. A. T. HULL, *Secretary of State*.



## CHAPTER 14.

## LEGALIZING TOWN OF IDA GROVE.

AN ACT to Legalize the Incorporation of the town of Ida Grove, Ida H. F. 217.  
County, Iowa.

WHEREAS, The circuit court within and for Ida county, in the state of Iowa, did, on the 3d day of April, A. D. 1878, it being the time of the regular April term of said court, appoint commissioners to call an election of the legal voters of the towns of Ida Grove and Ida in said county, to vote upon the question of the incorporation of said towns under the name of Ida Grove; and,

WHEREAS, All the requirements of the law were complied with in the incorporation of said town of Ida Grove, except the filing of the papers in the recorder's office of the county as provided by statute; and,

WHEREAS, Said papers were not marked "filed" in the recorder's office until January, A. D. 1879; and,

WHEREAS, Doubts have arisen as to the legality of said incorporation, the election of its officers, the acts done, and ordinances passed by the council of said town; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the incorporation of the town of Ida Grove, Ida county, in the state of Iowa, the election of its officers, and all acts done, and ordinances passed by the council of said town, be, and the same are hereby made valid and binding and to have the same force and effect as though the law had in all respects been complied with.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Maple Valley Era, newspapers published in the state of Iowa, without expense to the state.

Approved, February 27, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 12, 1880, and *Maple Valley Era*, March 5, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 15.

## NON-USER OF RAILROAD RIGHT OF WAY.

Sub. S. F. 147  
and H. F. 47.

AN ACT to Repeal Chapter 65 of the Public Laws of the Fifteenth General Assembly, and section 1260 of the Code, and enact a substitute therefor, Relating to the Taking of Private Property for works of Internal Improvement.

*Be it enacted by the General Assembly of the State of Iowa:*

Repealing  
chapter 65, pub-  
lic acts 15 G. A.  
and § 1260 of  
Code.

SECTION 1. That chapter 65 of the public laws of the fifteenth general assembly, and section 1260 of the Code, be and the same are hereby repealed, and the following enacted in lieu thereof:

Sub. for § 1260.

SEC. 1260. In any case where a railway, constructed in whole or in part, has ceased to be operated or used for more than five years, or in any case where the construction of a railway has been commenced by any corporation or person, and work on the same has ceased, and has not been in good faith resumed, for more than five years, and the same remains unfinished, or where any portion of such railway has not been operated for four years last past, and the rails and rolling stock have been wholly removed therefrom, it shall be deemed and taken that the corporation or person thus in default has abandoned all right and privilege over so much as remains unfinished, or from which the rails and rolling stock have been wholly removed, as aforesaid, in favor of any other corporation or person which may enter upon such abandoned work, as provided in section 1261 of the Code: *Provided, however*, that if said road-bed or right of way, or any part thereof, shall not be used or operated for a period of eight years, or in any case where the construction of a railway has been commenced by any corporation or person, and work on the same has ceased and has not been in good faith resumed by any corporation or person for a period of eight years, the land and the title thereto shall revert to the owner of the section, subdivision, tract, or lot from which it was taken: *and Provided further*, that the provisions of this act shall not apply to any railroad having a portion of its track laid with a wooden rail.

Work ceased for  
five years, or  
railway not op-  
erated for four  
years, with re-  
moval of iron  
and rolling  
stock, is aban-  
donment.

Non-user for  
eight years shall  
cause land and  
title thereto to  
revert to owner  
of land.

Does not apply  
to roads using  
wooden rail.

Publication  
clause.

SEC. 2. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 2, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 4, 1880, and *Iowa State Leader*, March 2, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 16.

## LEGALIZING INDEPENDENT DISTRICT OF IONIA.

AN ACT to Legalize the Organization and Official Proceedings of the H. F. 362.  
Independent District of Ionia, in Chickasaw county, Iowa.

WHEREAS, Certain territory of the district township of Chickasaw, Chickasaw county, Iowa, was in the month of September, 1879, organized into an independent district to be known as the "Independent District of Ionia," composed of sections thirteen (13), twenty-three (23), twenty-four (24), s.  $\frac{1}{2}$  of fourteen (14), n.  $\frac{1}{2}$  of twenty-five (25), e.  $\frac{1}{2}$  n.  $\frac{1}{2}$  of twenty-six (26), and se.  $\frac{1}{4}$  se.  $\frac{1}{4}$  of fifteen (15), township ninety-five (95), range fourteen (14), W. 5 P. M., comprising within its limits the village of Ionia, a board of directors elected, and other acts performed which by law devolve upon the electors and directors of independent school districts; and, Preamble.

WHEREAS, Doubts have arisen concerning the legality of said independent district organization for the reason that Ionia is not an incorporated town or city, and does not contain within its platted limits a population of three hundred, although the territory forming said district has a population of over three hundred, and for the further reason that the organization of said independent district was not completed before the 1st day of August, 1879; therefore, Ionia not an incorporated town.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the organization of the independent district of Ionia, Chickasaw county, Iowa, the election of directors and the official acts of said directors be, and the same are hereby legalized and made valid, the same as though said independent district was organized in strict conformity with all the requirements of law. Legalizing clause.

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register and Nashua Weekly Post, newspapers published at Des Moines, Iowa, and Nashua, Iowa, without expense to the state. Publication clause.

Approved, March 2, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 5, 1880, and *Nashua Post*, March 11, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 17.

## LEGALIZING CERTAIN TAXES IN MILLS COUNTY.

H. F. 64. AN ACT to Legalize the Levy of Certain Taxes in the County of Mills in the State of Iowa.

Preamble.

WHEREAS, The board of supervisors of Mills county, Iowa, at their regular meeting on the fourth day of September, A. D. 1877, levied a tax of one mill on the dollar on the taxable property of said county for insane expenses as provided for by section 1428 of the Code of 1873; and,

WHEREAS, Doubts have arisen in respect to the legality of such levy; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing clause.

SECTION 1. That the act of said board of supervisors in levying said tax be and the same is hereby legalized, and said levy is hereby made legal and valid as though the same had been made in strict conformity to law.

SEC. 2. That there shall be no interest or penalty allowed or collected on said tax until after the taking effect of this act.

Publication clause.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Glenwood Opinion, a weekly newspaper published at Glenwood, Iowa, said publication to be without expense to the state:

Approved, March 2, 1880.

I hereby certify that the foregoing act was published in the Glenwood *Opinion*, March 6, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 18.

## LEGALIZING THE INCORPORATION OF BIRMINGHAM.

H. F. 150.

AN ACT to Legalize the Incorporation of the Town of Birmingham, Van Buren county, Iowa.

Preamble.

WHEREAS, The town of Birmingham, Van Buren county, Iowa, was incorporated under the general laws of this state for the incorporation of cities and towns; and,

WHEREAS, Doubts exist as to the regularity of the proceedings; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the incorporation of the town of Birmingham, Van Buren county, Iowa, be and the same is hereby legalized and that all the official acts of the town council of said town of Birmingham, done and performed from and after the qualification of said town council, be and the same are hereby declared legal. Legalizing clause.

SEC. 2. This act, being of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Birmingham Enterprise, papers published in the state of Iowa, without expense to the state. Publication clause.

Approved, March 2, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 19, 1880, and *Birmingham Enterprise*, March 11, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 19.

### ORGANIZATION OF WATERLOO AGRICULTURAL WORKS LEGALIZED.

AN ACT to Legalize the Organization and Acts of the Waterloo Agricultural Works of Waterloo, Iowa. H. F. 288.

WHEREAS, William J. Ackley and other citizens organized the Waterloo Agricultural Works under the general incorporation laws of this state and subscribed stock, erected buildings and transacted a general business; and, Preamble.

WHEREAS, The officers and incorporators of such company failed to publish notice of such incorporation in the manner required by law and questions have arisen as to the legal organization thereof; therefore, Failed to publish notice.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the organization and incorporation of the "Waterloo Agricultural Works" are hereby legalized, and all acts and things done under and by virtue thereof shall be as legal and valid as if said incorporation act had been fully complied with. Legalizing clause.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, newspaper published at Des Moines, and the Iowa State Reporter, newspaper published at Waterloo, Iowa, without expense to the state. Publication clause.

Approved, March 2, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 19, 1880, and *Iowa State Reporter*, March 10, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 20.

## INCORPORATION OF MALVERN LEGALIZED.

H. F. 102.

AN ACT to Legalize the Incorporation, Ordinances and Acts of the Officers of the Town of Malvern, in the County of Mills.

Preamble.

WHEREAS, The town of Malvern, in the county of Mills, was incorporated in the year A. D. 1872, under the provisions of chapter sixty-one of the laws of 1868. Said corporation exercised all the rights and privileges of an incorporated town, passing ordinances, making by-laws and levying taxes, etc., as authorized by law, until September, A. D. 1878, at which time it was ascertained that the commissioners of incorporation had failed to file for record the preliminary measures taken by the voters of said town as required by law;

Failed to record preliminary measures.

WHEREAS, The legal voters of said town continuously after the adoption of said charter in 1872, and up to the year 1878, elected officers as provided thereby, and by said officers continuously conducted the municipal affairs of said town, as though it had been regularly incorporated, up to the year 1878; and,

Error in location.

WHEREAS, In the year 1878, and after the taking effect of chapter 10, title IV, of the Code of 1873, at which time it was ascertained that the commissioners of incorporation had failed to place on record the preliminary measures taken by the voters of said town; and also there was an error in the location of said town, the same being incorporated on sections twenty-nine and thirty, whereas the town was in fact located on sections twenty-nine and thirty-two; and,

WHEREAS, There were doubts as to the legality of said incorporation, and of the acts of all the officers of the same during that time; and,

Petition to re-incorporate.

WHEREAS, The legal voters did, at the November term, A. D. 1878, at [of] the circuit court of the state of Iowa, and in accordance with chapter 10, title IV, of the Code of 1873, present to the circuit court a petition to re-incorporate said town. An order was duly issued and commissioners duly appointed, and said town was duly incorporated, and has since that time exercised all the rights and privileges of an incorporated town under chapter 10, title IV, of the Code of 1873, and all amendments thereof; but doubts having arisen as to the regularity of the original incorporation of said town, and its subsequent reorganization under said chapter 10 of the Code of 1873; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalising clause.

SECTION 1. That the original incorporation of the town of Malvern, in Mills county, with all amendments and changes made in the incorporation of said town, including its reorganization under

said chapter 10 of the Code of 1873, and all ordinances, resolutions and by-laws, except so much thereof as is contained in ordinance number 10, passed April 14, 1879; and of all the officers acting by virtue of authority thereby conferred, be and the same are hereby ratified and legalized and declared to have the same force and effect as if the original incorporation and subsequent reorganization of said town had been regular and in strict and full compliance with the laws then in force.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register, a newspaper published at Des Moines, Iowa, and the Mills County Republican, published at Malvern, Iowa; said publication to be without expense to the state. Publication clause.

Approved, March 4, 1880.

I hereby certify that the foregoing act was published in the *Mills County Republican*, March 12, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 21.

### WEIGHT OF A BUSHEL OF HUNGARIAN GRASS AND MILLET SEED.

AN ACT Amendatory to Section 2049 of the Code of 1873, in Relation H. F. 143. to Weights of Hungarian Grass and Millet Seed.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the words "forty-five" in the twenty-eighth and twenty-ninth lines of section 2049, be and the same *are* [is] hereby stricken out, and the words "forty-eight" be placed in lieu thereof. Code § 2049 amended making 48 pounds a bushel.

Approved, March 4, 1880.

## CHAPTER 22.

### DEFINING DUTIES OF COUNTY OFFICERS.

AN ACT Further Defining the Duties of County Officers. [Amending Section 203, and Chapter 3, Title IV, of the Code.] H. F. 44.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. It is hereby made the duty of each county officer, whenever called upon by the governor or either house of the general assembly so to do, to communicate to the governor or such house any information that may be in his possession as such To furnish governor or either house of the G. A., with information.

officer, and to furnish any statistics at his command when thus called upon.

Code § 203  
amended.

Auditor to re-  
port criminal  
expenses to  
clerk.

Time for which  
clerk reports.

Penalty for  
failure to re-  
port.

SEC. 2. In order to enable the clerk of the district court properly to comply with the provisions of section two hundred and three (203) of the Code it is made the duty of the county auditor to report to said clerk, before the first day of November in each year, the expenses of the county for criminal prosecutions during the year ending the thirtieth day of September preceding, including, but distinguishing, the compensation of district attorney.

SEC. 3. It is hereby made the duty of the clerk of the district court in preparing the report required by said section 203 of the Code, to make such report for the year ending the 30th day of September preceding.

SEC. 4. Failure on the part of any officer to perform any duty required of him by this act shall render him liable to prosecution and punishment for misdemeanor.

Approved, March 4, 1880.

## CHAPTER 23.

### TRANSFER OF BRIDGE FUND IN CLINTON COUNTY.

S. F. 28. AN ACT to Legalize the Acts of the Board of Supervisors of Clinton County, Iowa.

Preamble. WHEREAS, The boards of supervisors of Clinton county have, for many years past, upon the petitions of large numbers of citizens of said county, after providing for the construction and repairs of the bridges in said county, expended the surplus of the bridge funds in improving the roads in said county, to the great benefit and advantage of the inhabitants thereof; and,

Bridge fund  
used on roads.

Surplus bridge  
fund in treas-  
ury.

WHEREAS, The said county of Clinton is now free from debt and has a surplus of bridge fund in its treasury; and,

WHEREAS, Doubts have arisen as to the legality of the action of the boards of supervisors in so expending said surplus bridge fund on the improvement of the roads of said county; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing  
clause.

SECTION 1. That all the expenditures heretofore made from the surplus of the bridge fund of Clinton county, for the improvement of roads, by order of the boards of supervisors of said county, and all the acts of the said boards of supervisors in so ordering said expenditures, are hereby declared valid and legalized.

Publication  
clause.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the



Iowa State Register, a newspaper published in Des Moines, Iowa, and in the Clinton Herald, a newspaper published in Clinton, Clinton county, Iowa, without expense to the state.

Approved, March 5, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 11, 1880, and *Clinton Herald*, March 10, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 24.

### RELATING TO CITIES ORGANIZED UNDER SPECIAL CHARTERS.

AN ACT Relating to Cities Organized and Existing under Special H. F. 371  
Charters, conferring Additional Powers and Amending the Char-  
ters of such Cities in certain respects. [Additional to Chapter 10,  
Title IV, of the Code: "Of Cities and Incorporated Towns."]

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all cities in this state organized and existing under special charters, shall have power to provide by ordinance for the appointment of a city marshal by the council of such city, or for the election of such officer by the electors thereof, or may dispense with such officer, and confer the duties pertaining thereto upon any other officer or person.

To provide for the appointment by the council, or election by the people, of a city marshal.

May dispense with marshal.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa, section thirty-three (33), of chapter three (3), title one (1) of the Code, to the contrary notwithstanding.

Publication clause.

Approved, March 9, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 11, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 25.

### TO PROTECT KEEPERS OF LIVERY STABLES.

AN ACT to Protect Keepers of Livery and Feed Stables, and Herd- H. F. 104.  
ers and Feeders of Stock, and to give them a Lien.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That keepers of livery and feed stables, herders and feeders, and keepers of stock for hire, shall have a lien on all

Have a lien on stock for proper charges and expenses of keeping.

stock and property coming into their hands as such, for their proper charges, and for the expense of keeping when the same have been received from the owner, or from any person: *Provided, however*, this lien shall be subject to all prior liens of record.

Subject to prior  
liens.

Release the  
property on re-  
ceiving bond.

Penalty of bond.

SEC. 2. The owner or claimant of the property may release the lien, and shall be entitled to the possession of the property on tendering to the person claiming the lien a good and sufficient bond, signed by two sureties, residents of the county, who shall justify, the penalty in the bond being at least three times the amount of the lien claimed, and conditioned to pay any judgment the person claiming the lien shall obtain, for which the property was liable under the lien.

Approved, March 10, 1880.

## CHAPTER 26.

### CITIES AND INCORPORATED TOWNS.

H. F. 57. AN ACT to Repeal Section 520 of Chapter 10 of Title IV of the Code of Iowa, in relation to Cities and Incorporated Towns, and to provide a substitute therefor.

*Be it enacted by the General Assembly of the State of Iowa:*

Code § 520 re-  
pealed and sub-  
stitute enacted.

Code § 520.

Wards defined.

May create new  
wards.

No. of wards in  
cities of second  
class limited.

SECTION 1. That section 520 of chapter 10 of title IV of the Code of Iowa, be and is hereby repealed, and the following enacted in lieu thereof:

SEC. 520. The numbers, divisions and boundaries of the several wards of all cities heretofore incorporated, shall remain as fixed when this Code goes into operation, until changed by the city council. Said council may at any time create new wards, or alter those now established, or the boundaries thereof, as may be deemed expedient; but in cities of the second class the number of wards now existing shall not be increased to a greater number than seven, nor decreased to a less number than three.

Approved, March 10, 1880.

## CHAPTER. 27.

## SALARIES OF JUDGES OF SUPREME COURT.

AN ACT to Repeal Section 3769 of the Code and enact a Substitute S. F. 34.  
therefor, relating to Salaries of Judges of the Supreme Court.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 3769 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof:

SEC. 3769. The salary of each judge of the supreme court shall be four thousand dollars per annum.

Approved, March 10, 1880.

Code § 3769 re-  
pealed and  
substitute en-  
acted.  
\$4,000 per  
annum each.

## CHAPTER 28.

## RELATING TO TAXES IN AID OF RAILROADS.

AN ACT to Repeal Section Eight (8), Chapter 123 of the *Public Acts* H. F. 265.  
of the Sixteenth General Assembly, in relation to the Payment  
of Taxes Voted in Aid of the Construction of Railroads, and  
enacting a substitute therefor.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section eight (8) of chapter 123 of the acts of the sixteenth general assembly, be and the same is hereby repealed, and the following enacted in lieu thereof, to-wit:

SEC. 8. Nothing contained in this act shall preclude any taxpayer who may contract with a railroad company for which taxes shall have been, or may thereafter be, voted under the provisions of this act, to pay his tax thus voted, or any part thereof, in labor upon the line of its road, or in material for its construction, or supplies furnished, or money paid for the construction of the road, in pursuance of the terms and conditions stipulated in the notices of election, in lieu of a payment to the county treasurer, from presenting to the county treasurer a receipt from said railroad company, duly signed by the president or managing director, specifying the amount of such payment, and having the same credited by the county treasurer on his tax in aid of said railroad, with the effect in all respects as though the same was paid in money to the said county treasurer; and when such receipts have been presented and thus credited by the county treasurer, they shall have the same force and validity in

Repealing § 8  
chapter 123 16th  
G. A. and en-  
acting substi-  
tute.

Tax payer may  
contract to pay  
his tax in labor  
or material.

Present receipts  
to county treas-  
urer.

Boards of su-  
pervisors to  
receive such re-  
ceipts in settle-  
ment with treas-  
urer.

his settlement with the board of supervisors as the orders from the railroad company provided for in section four (4) hereof.

Publication  
clause.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 10, 1880.

I hereby certify that the foregoing act was published in the Iowa State Register and Iowa State Leader, March 12, 1880.

J. A. T. HULL, Secretary of State.

## CHAPTER 29.

### APPROPRIATION TO PAY VISITING COMMITTEES.

H. F. 489.

AN ACT to Provide for the Payment of the Expenses of the Committees Appointed to Visit the State Institutions, and for the Payment of Clerks of Committees and witnesses subpoenaed before committee of the hospital of the insane at Mount Pleasant.

*Be it enacted by the General Assembly of the State of Iowa:*

Expenses  
committees.

SECTION 1. That there is hereby appropriated from the state treasury the following sums of money to the persons and for the purposes herein named:

State  
University.

SEC. 2. To Aaron Kimball, William S. Russell and J. K. Wagner, for expenses incurred in visiting the State University, eighteen dollars and fifty cents each.

Agricultural  
College.

SEC. 3. To W. P. Gaylord, P. Nichols and John Van Staden, for expenses incurred in visiting the Agricultural College, eight dollars each.

College for the  
Blind.

SEC. 4. To A. H. Lawrence, D. W. Stutsman and E. J. Dean, for expenses incurred in visiting College for the Blind, twenty dollars each.

Penitentiary at  
Ft. Madison.

SEC. 5. To R. C. Webb, L. N. Hays and M. Bloom, for expenses incurred in visiting the Penitentiary at Fort Madison, eighteen dollars and fifty cents each.

Additional  
Penitentiary.

SEC. 6. To E. J. Hartshorn, J. H. Evans and W. E. Webster, for expenses incurred in visiting the Additional Penitentiary at Anamosa, twenty dollars each.

Hospital for the  
Insane at Mt.  
Pleasant.

SEC. 7. To M. A. Dashiell, M. M. Ham, P. Wicks, F. M. Epperson and A. M. Whaley, twenty dollars each, for expenses incurred in visiting the Hospital for Insane at Mount Pleasant.

Deaf and Dumb.

SEC. 8. To John J. Russell, J. F. Greenlee, N. S. Hornaday, A. L. Beach and L. B. Wadleigh, for expenses incurred in visiting the Deaf and Dumb Asylum at Council Bluffs, fifteen dollars each, and fifteen dollars to G. E. Hathaway as clerk of said committee.

SEC. 9. To G. A. Madson, J. C. Porter and O. H. Lyon, for expenses incurred in visiting the Reform School for Girls at Mount Pleasant, fourteen dollars and sixty-eight cents each. Girls' Reform School.

SEC. 10. To R. W. Tirrill, J. A. Harvey, for expenses incurred in visiting the Reform School for Boys at Eldora, twelve dollars each. Boys' Reform School.

SEC. 11. To J. D. Gillett, S. L. Glasgow and J. L. Palmer, for expenses incurred in visiting the Soldiers' Orphans' Home at Davenport, twenty-three dollars and fifty cents each. Soldiers' Orphans' Home.

SEC. 12. To R. M. Haines, B. T. Seaman and John W. Hayden, for expenses incurred in visiting the Asylum for Feeble-Minded Children at Glenwood, thirteen dollars and forty-five cents each. Feeble-minded Children

SEC. 13. To M. Garber, E. Tilton and J. F. Duncombe, for expenses incurred in visiting Hospital for the Insane at Independence, fifteen dollars each. Hospital for the Insane at Independence.

SEC. 14. To A. W. Ford, S. F. Prouty and Michael Ehl, for expenses incurred in visiting the State Normal School at Cedar Falls, twenty dollars each. State Normal School.

SEC. 15. To L. Young, Z. T. Fisher and J. B. Belfrage, for expenses incurred in visiting the State Fish Hatching House at Anamosa, twenty dollars each. Fish Hatching House.

SEC. 16. To Mrs. Murdock, witness fees and mileage, appearing before the committee of the Institution for Deaf and Dumb at Council Bluffs, seventeen dollars. Mrs. Murdock, witness fees.

SEC. 17. To R. J. McVey, witness fees and mileage, appearing before the committee of the Institution for Deaf and Dumb at Council Bluffs, twenty-one dollars and eighty cents. R. J. McVey, witness fees.

SEC. 18. To C. McClure, for actual expenses incurred as clerk of visiting committee to the Hospital for the Insane at Mount Pleasant, twenty dollars. C. McClure, clerk of visiting committee.

SEC. 19.	To T. Whitney [Whiting],	witness fees and mileage	.....\$	2.60	<span style="float: right;">Witness fees in investigation of affairs at Hospital for Insane at Mt. Pleasant.</span>
	To Mark Ranney, witness fees and mileage..			2.60	
	To M. L. Edwards, witness fees and mileage..			1.35	
	To J. W. Henderson, witness fees and mileage			1.35	
	To Samuel Klein, witness fees and mileage..			19.95	
	To D. D. Davis[s]on, witness fees and mileage..			7.95	
	To L. E. Fellows, witness fees and mileage....			42.25	
	To M. A. Cleaves, witness fees and mileage..			23.25	
	To A. Reynolds, witness fees and mileage....			24.75	
	To E. G. Morgan, witness fees and mileage..			1.35	
	To J. H. Gear, witness fees and mileage.....			1.35	
	To G. W. Bemis, witness fees and mileage....			1.35	

SEC. 20. To C. McClure, for twenty-six days' services as clerk of committee, seventy-eight dollars. C. McClure, as clerk.

SEC. 21. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Publication.

Moines, Iowa, section 33 of the Code to the contrary notwithstanding.

Approved, March 10, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register and Iowa State Leader*, March 13, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 30.

### INCORPORATION OF ODEBOLT LEGALIZED.

H. F. 428. AN ACT to Legalize the Incorporation of the Town of Odebolt in Sac county, Iowa.

Preamble. WHEREAS, Certain of the qualified electors of the town of Odebolt, in Sac county, Iowa, did on or about the eighth day of April, 1878, apply by petition to the circuit court of said county for the appointment of commissioners to submit to the legal voters of said town the question of incorporating the same; and,

Appointment of commissioners. WHEREAS, Said court did appoint five commissioners, who afterward did call an election, as required by law, and submitted said question to the legal voters thereof, at which election a large majority of the votes polled were in favor of incorporating said town; and,

WHEREAS, The aforesaid commissioners filed in the clerk's office the return required by law, of which the proper notice was given; and,

Failed to record in recorder's office and file with secretary of state.

WHEREAS, The clerk neglected to file a certified copy of all papers and record entries in the county recorder's office, and in the office of the secretary of state, at the proper time (said copy having been since filed in both offices); and,

WHEREAS, The said commissioners did afterward call an election (having given the notice required by law) for the election of officers, at which election there were elected a mayor, a recorder, and six trustees to constitute a council to transact the business of said incorporated town, which said council appointed a treasurer, an assessor, and other officers; passed ordinances and adopted by-laws for the government of the town, and performed the duties devolving upon them, including the levy of taxes as authorized by law; and,

WHEREAS, Doubts have arisen concerning the legality of the said incorporation and of the ordinances passed and the taxes levied by the officers of the same, because of the neglect of the clerk hereinbefore mentioned; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing clause.

SECTION 1. That all acts done and proceedings had to enable the said town of Odebolt to become incorporated under

the provisions of chapter 10, title IV of the Code of 1873, be and the same are hereby declared to be valid and binding in all respects, and all such acts and proceedings are hereby legalized as fully as if the same had been in strict compliance with the provisions of law relating to the incorporation of cities and towns.

SEC. 2. That all elections and all the acts of any and all of the officers of said incorporation, all the ordinances enacted by the council or board of trustees of the same, all taxes levied by them, and all other official acts of said council or board of trustees, are hereby legalized and declared valid and binding in all respects. All acts legalized.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force as soon as published in the *Iowa State Register*, a newspaper published at Des Moines, and *Odebolt Reporter*, a newspaper published at Odebolt, Iowa, such publication to be without expense to the state. Publication clause.

Approved, March 12, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Odebolt Reporter*, March 19, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 31.

### RELATING TO HOLIDAYS.

AN ACT to Amend Section 2094 of Title Fourteen (14), Chapter H. F. 118. Three (3) of the Code, Relating to Holidays.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 2094 of title fourteen (14) of chapter three (3) of the Code, be and the same is hereby amended by adding after the word "January" the words "thirtieth day of May." Code § 2094 amended.

SEC. 2. This act, being deemed of immediate importance, shall be in force and effect on and after its publication in the *Iowa State Register* and *Iowa State Leader*, newspapers published in Des Moines, Iowa. Publication.

Approved, March 12, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 16, 1880, and *Iowa State Leader*, March 15, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 32.

## GRANTING RIGHT OF WAY TO STREET RAILROAD COMPANIES.

H. F. 161.

AN ACT Granting to Street Railway Companies, Organized under the Laws of this State, the Right of Way over Certain Public Highways.

*Be it enacted by the General Assembly of the State of Iowa:*

Authorizing the use of highways beyond the limits of city, where the road is 100 feet wide.

Company shall put said highway in good repair.

Duties of boards of supervisors.

Company shall pay all damages.

Publication.

SECTION 1. That any street railway company now or hereafter organized under the laws of this state to operate a street railway in any city or incorporated town in this state, for the purpose of extending its railway beyond the limits of such city or town, may locate, build and operate either by animal or motor power, its road over and along any portion of a highway which is of a width of one hundred feet or more. In such cases said company as soon as practicable shall put said highway in as good repair and condition as the same was before its use for the purpose herein contemplated; and boards of supervisors are hereby authorized to accept for highway purposes under this act conveyances of land adjoining any highway or part thereof sufficient to increase said highway to the width of one hundred feet.

SEC. 2. Unless the owners of the land abutting each *site* [side] of said highway shall consent to its use as contemplated in section one (1), said railway company shall pay all damages sustained by such land owners by reason of building said road, which damages shall be ascertained and paid in the same manner as provided for taking private property for works of internal improvement. Said company shall also be liable for all damages sustained by any one resulting from the carelessness of its officers, agents, or servants, in the construction or operation of its railway.

SEC. 3. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 12, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 16, 1880, and *Iowa State Leader*, March 15, 1880.  
J. A. T. HULL, *Secretary of State*.



## CHAPTER 33.

## FARMERS' MUTUAL AID SOCIETY OF TAMA COUNTY LEGALIZED.

AN ACT to Legalize the Acts and Incorporation of the Farmers' Mutual Aid Company, of Tama county, Iowa. H. F. 158.

WHEREAS, There was organized on the eleventh day of March, 1873, the Farmers' Mutual Aid Company of Tama county, Iowa, whose articles of incorporation were, on June 8th, 1874, duly filed and recorded in the recorder's office of Tama county, Iowa, wherein is situated the principal and only place of business of said corporation; but by oversight a copy of said articles was not filed with the secretary of state, as in such cases made and provided, until June 27th, 1878; and,

Preamble.

Articles of incorporation not filed in office of secretary of state.

WHEREAS, Said association has since its organization continued to conduct and carry on its business; now, therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the incorporation of the Farmers' Mutual Aid Company of Tama county, Iowa, be and the same is hereby legalized, as are all the acts and proceedings of said company, since done in pursuance of its articles, the same as if said articles of incorporation had been duly filed, and no act of the said association, or of its board of directors, shall be invalid by reason of the omission to file said articles of association with the secretary of state.

Legalizing clause.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, a newspaper published at Des Moines, and the Toledo Times, a newspaper published at Toledo, Iowa, without expense to the state.

Publication.

Approved, March 12, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 19, 1880, and *Toledo Times*, March 18, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 34.

## LEGALIZING TAX LEVY IN OSKALOOSA.

S. F. 230. AN ACT to Legalize the Levy of Certain Taxes of the City of Oskaloosa, Iowa.

## Preamble.

Levied a 3 mill tax.

Levied at a later date than time fixed by law.

WHEREAS, The corporate authorities of the city of Oskaloosa, Iowa, did, on the 10th of November, 1879, levy a water tax of 3 mills upon the dollar upon the property of said city lying within the protection from fire by the water-works of said city; and,

WHEREAS, It appears that the levy of said taxes by said city was made at a later date than the time fixed by law; yet that the same was returned to the auditor of said county, before the said auditor had placed the tax-books in the hands of the treasurer, and that the said tax was placed upon said tax-books and is now upon said books, and has been partly collected by the treasurer of said county; and,

WHEREAS, It is feared by the authorities of said city that doubts may be thrown upon the legality of the said tax; and,

WHEREAS, It appears that it is important to the protection of said city from fire that said tax should be collected; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing clause.

SECTION 1. That the levy of taxes for water purposes by the city council of the city of Oskaloosa, Iowa, of three mills upon the dollar, made on the 10th of November, 1879, and which is now upon the tax-book of Mahaska county for the year 1879, be and the same is hereby ratified, confirmed and legalized, and that the same be held to be valid and binding to the same extent as if said tax had been levied at the time provided by law.

Publication.

SEC. 2. That this act, being deemed of immediate importance, shall be in force and effect from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Weekly Oskaloosa Herald, a newspaper published at Oskaloosa, Iowa, such publication to be without expense to the State.

Approved, March 12, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 19, 1880, and *Oskaloosa Herald*, March 18, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 35.

## CHRIS. H. LOGAN, RECORDER OF LYON COUNTY.

AN ACT to Legalize the Acts of Chris. H. Logan, Recorder of Lyon s. F. 57.  
county, Iowa, done and performed by J. K. P. Thompson, whether  
under the style of Attorney in Fact of said Recorder or as Deputy  
Recorder of said county.

WHEREAS, Chris. H. Logan was, on the 14th day of October, <sup>Preamble.</sup>  
1873, duly elected to the office of county recorder of Lyon county,  
Iowa, and duly qualified as provided by law; and,

WHEREAS, On the 1st day of January, 1874, the said Chris. H. <sup>J. K. P. Thomp-  
son appointed  
deputy.</sup>  
Logan appointed J. K. P. Thompson his deputy, and gave the  
said Thompson authority to sign his name to the filing of instru-  
ments of record as well as the record, by giving the said J. K. P.  
Thompson a power of attorney; and,

WHEREAS, The said J. K. P. Thompson entered upon the duties <sup>Acted as deputy.</sup>  
thus conferred upon him by virtue of said appointment, on the  
1st day of January, 1874, and continued to act in that capacity  
for one year; and,

WHEREAS, The said J. K. P. Thompson in the discharge of the <sup>Signed records.</sup>  
duties as such deputy recorder signed the records of said county  
as follows: "Chris. H. Logan, Recorder, by J. K. P. Thompson,  
attorney in fact"; and,

WHEREAS, At the January, 1880, session of the board of super- <sup>Resolution of  
board of super-  
visors.</sup>  
visors of said Lyon county, the following resolution [was] adopted:  
"Resolved, By the Board of Supervisors of Lyon county, in reg-  
ular session assembled, that we deem it of vital importance to the  
property interests of the county, that the official acts of Chris.  
H. Logan as recorder of this county, by his deputy and attorney  
in fact, J. K. P. Thompson, be legalized by an act of the legisla-  
ture, and would therefore ask our senator and representative to  
use their influence in bringing about such a result"; and,

WHEREAS, Doubts exist as to the legality of the acts of Chris.  
H. Logan by his deputy, J. K. P. Thompson, while acting as  
recorder of Lyon county; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the acts of Chris. H. Logan, recorder of Lyon <sup>Legalizing  
clause.</sup>  
county, by his attorney in fact, or deputy, J. K. P. Thompson,  
from the 1st day of January, 1874, to the 1st day of January,  
1875, wherein the said Thompson signed any records, or filing of  
instruments of record as attorney in fact, be and the same are  
hereby declared legal, valid, and binding in law, for all purposes,  
expressed or intended, the same as if said records and filing of  
instruments had been signed by the said Chris. H. Logan, as re-  
corder.

## Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Rock Rapids Review, a newspaper published at Rock Rapids, Iowa, without expense to the state.

Approved, March 12, 1880.

## CHAPTER 36.

## HIGHWAY TAXES.

H. F. 171.

## AN ACT in Relation to Highway Taxes.

*Be it enacted by the General Assembly of the State of Iowa:*

Auditor to keep  
a column show-  
ing road  
districts.

SECTION 1. That it shall be the duty of the auditor to provide a column, which shall show the road districts to which the highway taxes belong, as transmitted by the township clerks, according to section 975 of the Code of 1873.

Duty of treas-  
urer.

SEC. 2. That it shall be the duty of the county treasurer, when he pays to the township clerks highway taxes, according to section 976, to furnish at each time and to each clerk, a statement showing the road district or districts to which it belongs.

Approved, March 12, 1880.

## CHAPTER 37.

## TO LEGALIZE SALE OF SCHOOL LAND.

H. F. 155.

## AN ACT to Legalize the Sale of Certain School Land by the Auditor of Tama County, Iowa.

Preamble.

Description of  
land sold by  
auditor of Tama  
county.

WHEREAS, On the 10th day of January, A. D. 1873, the auditor of Tama county, after due notice, and after having the same appraised, did sell at public sale the northeast quarter of the southeast quarter of section number thirty-four (34), in township number eighty-four (84) north, range number fifteen (15) west of the 5th P. M., to one Benjamin Bruner, at and for the price of two hundred and four dollars; and,

Appraisement.

WHEREAS, Said land was duly appraised prior to said sale, and the value thereof fixed at one hundred and seventy-five dollars; and,

WHEREAS, Said land was at the time of said sale school land, School land. and could not properly have been sold for less than six dollars per acre; and,

WHEREAS, Said land was sold for twenty-nine dollars more than its appraised value; and,

WHEREAS, Full payment has been made for said land and the Amount added to permanent school fund. amount added to the permanent school fund of the state, and is still retained by the state; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the sale of said land by the auditor of Tama Sale legalized. county, pursuant to the direction of the board of supervisors of said county, be and the same is hereby legalized and declared to be effectual to pass the title to said land to the purchaser as fully as though the same had been sold for six dollars per acre, and when the purchaser of said land, or his assignee or grantee, shall file, or cause to be filed, in the state land office, a certificate from the auditor of said county that full payment has been made for said land he shall be entitled to a patent therefor, which shall be issued to him when said certificate shall have been filed.

Approved, March 12, 1880.

## CHAPTER 38.

### MILEAGE OF MEMBERS AND COMPENSATION OF OFFICERS OF THE GENERAL ASSEMBLY.

AN ACT to Repeal Section 12, Chapter 2, Title I of the Code, in Relation to Compensation and Mileage of Members of the General Assembly, and Compensation of Officers and Employees of the Same; and to Enact a Substitute Therefor. Sub. H. F. 124, 131 and 170.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all of section 12, chapter 2, title I of the Code, be and the same is hereby repealed, and the following enacted in lieu thereof: Code § 12, repealed and substitute enacted.

SEC. 2 [12]. The compensation of the members, officers, and employees of the general assembly shall be: To every member for each regular session, five hundred and fifty dollars, and for each extra session the same compensation per day while in session, to be ascertained by the rate per day of the compensation of the members of the general assembly at the preceding regular session; and for every mile by the nearest traveled route in going to and returning from the place where the general assembly is held, five cents per mile; but in no case shall the compensation for any extra session exceed six dollars per day, exclusive of mileage. Compensation of members officers and employees of G. A. Mileage fixed at five cents per mile.

Secretary and clerk.	To the secretary of the senate and chief clerk of the house, six dollars per day each.
Assistants.	To the assistant secretaries of the senate and clerks of the house, five dollars per day each.
Enrolling and engrossing.	To the enrolling and engrossing clerks, four dollars per day each.
Clerks of committees.	To the clerks of committees, two dollars and fifty cents per day each, and the necessary stationery for each of the clerks, secretaries, and their assistants aforesaid.
Other employees.	To the sergeant-at-arms, door-keepers, janitors, postmasters, and mail-carriers, three dollars per day each. To the messengers and paper-folders, one dollar and fifty cents per day each.

And no other or greater compensation shall be allowed such members, officers, and employees; nor shall there be any allowance of or for stationery, except as above provided, postage, newspapers, or other perquisites, in any form or manner, or under any name or designation.

Approved, March 12, 1880.

## CHAPTER 39.

### TO PROTECT DAIRY INTERESTS.

S. F. 53. AN ACT to Protect the Dairy Interests, and for the Punishment of Fraud Connected Therewith.

*Be it enacted by the General Assembly of the State of Iowa:*

Any product of the dairy not made exclusively of milk or cream shall be marked oleomargarine.	SECTION 1. That every person who shall manufacture for sale, or who shall offer or expose for sale, any article or substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals enters as one of the component parts, or into which a portion of melted butter, or any oil thereof, has been introduced to take the place of cream, shall distinctly, legibly, and durably brand, stamp, or mark the word "oleomargarine" upon every tub, firkin, or other package of the said substance; and that all letters used in stamping, branding or marking said package to be not less in size than three-fourths ( $\frac{3}{4}$ ) of an inch in length and one-half ( $\frac{1}{2}$ ) inch in width; and in case of retail sale of such article or substance in parcels the seller shall, in all cases, deliver therewith to the purchaser a written or printed label bearing the plainly written or printed word "oleomargarine."
Size of letters used.	
Retail.	
Violation of section one a misdemeanor.	SEC. 2. Every person who shall knowingly sell, or offer, or expose for sale, or who shall cause or procure to be sold, any article or substance required by the first section of this act to be

branded, stamped, or labeled, not so marked, branded, stamped, or labeled, shall be guilty of a misdemeanor; proof of the sale, or offer, or exposure alleged shall be presumptive evidence of knowledge of the character of the article so sold, or offered, and that the same was not marked, branded, stamped, or labeled, as required by this act.

SEC. 3. Any person violating the provisions of this act shall, <sup>Penalty</sup> for each and every violation, be fined not less than twenty dollars, nor more than one hundred dollars, or shall be confined in the county jail not less than ten days nor more than ninety days, or both, at the discretion of the court.

Approved, March 12, 1880.

## CHAPTER 40.

### RELATING TO COUNTY RECORDER.

AN ACT Extending the Right to Hold the Office of County Recorder <sup>H. F. 19.</sup> to Women.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That no person shall be disqualified for holding <sup>Sex not to render any one ineligible.</sup> the office of county recorder on account of sex.

Approved, March 12, 1880.

## CHAPTER 41.

### TOWN OF CORNING.

AN ACT to Legalize the Proceedings of the Town Council of the <sup>Sub. S. F. 244.</sup> Town of Corning, Adams county, Iowa, held on the 5th day of February, 1878, vacating a certain alley in said town.

WHEREAS, At a regular meeting of the town council of <sup>Preamble.</sup> the town of Corning, Adams county, Iowa, held on the 5th day of February, 1878, a petition of D. S. Sigler and others asking for a vacation of an alley running east and west, between lots Nos. 40, 41, 42, 43, and 44 on the north, and 45, 46, 47, 48, <sup>Vacating an alley.</sup> and 49 on the south, in Grove addition to said town of Corning; and,

WHEREAS, The prayer of said petition was granted on motion made and entered of record; and,

WHEREAS, Doubts exist as to the legality of said proceedings of said town council in vacating said alley; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing  
clause.

SECTION 1. That the action of said town council in vacating said alley is hereby legalized, and made binding and valid to all intents and purposes.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, newspaper published at Des Moines, Iowa, and the Adams County Gazette, a newspaper published at Corning, Adams county, Iowa, without expense to the state.

Approved, March 15, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 19, 1880, and *Adams County Gazette*, March 24, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 42.

### LEGALIZING KEOKUK WATER-WORKS.

Sub. S. F. 272. AN ACT to Legalize the acts of the Keokuk Water-works, of Keokuk, Iowa.

Preamble.

WHEREAS, The Keokuk Water-works, a corporation established under the incorporation law of the state of Iowa, did cause *the* [its] articles of incorporation to be recorded in the office of recorder of deeds, for the county of Lee, Iowa, in book 1, page 464, on the 8th day of June, 1877, and also in the office of the secretary of state, in book "H," on pages 598, 599, 600, and 601, on the 8th day of August, 1877, but inadvertently omitted to publish said articles of incorporation for four weeks, in some newspaper as required by law; therefore,

Failed to pub-  
lish articles.

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing  
clause.

SECTION 1. That all acts done, and contracts made by said Keokuk Water-works, are hereby declared legal, valid, and binding to the same extent as if said articles of incorporation had been published according to law, and the incorporation of said Keokuk Water-works is hereby declared legal, valid, and binding to the same extent as if the law had been fully complied with in the publication of the articles of incorporation.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Leader, a newspaper published at Des Moines, and the



Keokuk Constitution, a newspaper published at Keokuk, Iowa, without expense to the state.

Approved, March 15, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 22, 1880, and *Keokuk Constitution*, March 19, 1880.  
J. A. T. HULL, *Secretary of State*.

## CHAPTER 43.

### INCORPORATION OF ANITA LEGALIZED.

AN ACT to Legalize the Incorporation of the Town of Anita, Cass s. r. 179. county, Iowa, the election of its Officers, and all Acts done, and Ordinances passed by the Council of said Town.

WHEREAS, Doubts have arisen as to the legality of the incorporation of the town of Anita, in Cass county, Iowa, the election of its officers, and the ordinances passed by the council of said town; therefore; Preamble.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the incorporation of said town of Anita Legalizing clause.  
Cass county, Iowa, the election of its officers, and all the official acts done and ordinances passed by the council of said town, not in contravention with the laws of the state, are hereby legalized, and the same are hereby declared to be valid and binding, the same as though the law had in all respects been strictly complied with in the incorporation of said town, and in the election of its officers.

SEC. 2. This act, being deemed of immediate importance, shall Publication.  
be in force and take effect from and after its publication in the Iowa State Register, and the Anita Times, newspapers published at Des Moines, and Anita, Iowa, without expense to the state.

Approved, March 15, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 19, 1880, and the *Anita Times*, March 24, 1880.  
J. A. T. HULL, *Secretary of State*.

## CHAPTER 44.

## LEGALIZING ACTS OF BOARDS OF DIRECTORS.

Sub. S. F. 148. **AN ACT** to Legalize the action of the Boards of Directors of District townships in holding Meetings outside of the Limits of their respective District Townships.

## Preamble.

Held meetings  
outside their  
districts.

WHEREAS, The boards of directors of certain district townships have held their meetings and transacted their business as such boards, outside of the limits of their respective district townships; and,

WHEREAS, Doubts exist as to the legality of the acts of such boards of directors at such meetings; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing  
clause.

SECTION 1. That all meetings of boards of directors of district townships which have been held outside of the limits of their respective district townships, and within their respective counties, for the transaction of the business of such townships, are hereby legalized, and all the acts of such boards of directors are hereby declared to be as legal and binding as if their meetings had been held within the limits of their respective districts townships.

## Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Council Bluffs Daily Nonpareil, a newspaper published at Council Bluffs, Iowa.

Approved, March 15, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 19, 1880, and *Council Bluffs Daily Nonpareil*, March 21, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 45.

## COUNTY BRIDGE FUND IN CITIES OF FIRST CLASS.

Sub. S. F. 120. **AN ACT** Requiring Boards of Supervisors in Certain Cases to Pay to Cities of the First Class a Portion of the County Bridge Fund.

Cities of the  
first class to re-  
ceive a portion  
of the bridge  
fund.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That in each county in this state containing a city of the first class, within the corporate limits of which there

are any bridge or bridges exceeding three hundred feet in length constructed by such city, and for the cost of constructing which such city shall be indebted in a sum of not less than one hundred thousand dollars, the board of supervisors be and hereby is required to annually set apart and pay to such city out of the bridge fund of such county the whole amount of bridge tax collected on the taxable property within the limits of such city for that year, until such indebtedness shall be fully paid: that thereupon such bridge or bridges be and become free, and that such city be and hereby is required to apply the money so set apart and paid to it and the tolls meanwhile collected on such bridge or bridges, after first paying the necessary expense of maintaining the same, on such indebtedness, and it shall be unlawful to use or apply the same or any part thereof for or to any other purpose, except that so much thereof as may be necessary for that purpose may be used to repair any bridge or bridges in such city, the repair of which is required for public safety.

When indebtedness is paid, bridges shall be free.

Must apply money to pay indebtedness: except.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the *Iowa State Register*, and *Iowa State Leader*, newspapers published at Des Moines, Iowa. Publication.

Approved, March 15, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 19, 1880, and *Iowa State Leader*, March 17, 1880.  
J. A. T. HULL, *Secretary of State*.

## CHAPTER 46.

### BOARDS OF SUPERVISORS.

AN ACT to Amend Section 1, Chapter 80 of the Acts of the Sixteenth S. F. 121. General Assembly, in relation to the Powers and Duties of Boards of Supervisors.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 1, chapter 80, acts of the sixteenth [general] assembly be amended by adding the words "or special" after the word "general" in lines ten and eleven of said section. Chapter 80, 16th G. A. amended.

Approved, March 15, 1880.

## CHAPTER 47.

## BARBED WIRE FENCE.

S. F. 91.

AN ACT Repealing Chapter 101, Acts of Sixteenth General Assembly, and Chapter 124, Acts Seventeenth General Assembly, and Relating to Barbed Wire Fences, Amending Section 1507, of the Code of 1873.

Chapter 101,  
16th G. A. and  
124, 17th G. A.  
repealed.

Code § 1507  
amended.

Defining a law-  
ful barbed wire  
fence.

Number of  
barbs and posts  
to the rod.

Height of top  
and bottom wire

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That chapter 101, *general laws of the sixteenth general assembly*, and chapter 124, *general laws of the seventeenth general assembly*, be and the same are hereby repealed, and the following enacted in lieu thereof:

SEC. 2. That section 1507 of the Code, be and the same is hereby amended by inserting after the word "rail" in the tenth line, the word "wire," and by inserting in the twelfth line after the word "height" the words, "except that a barbed wire fence may consist of three barbed wires, or of four wires, two of which shall be barbed; such fence in either case to have not less than thirty-six iron barbs of two points each, twenty-six iron barbs of four points each on each wire to the rod, the wires to be firmly fastened to posts not more than two rods apart, with two stays between the posts, or with posts not more than one rod apart without such stays, the top wire to be not more than fifty-four (54) nor less than forty-eight inches in height, and the bottom wire not more than twenty, nor less than sixteen inches from the ground."

Approved, March 15, 1880.

## CHAPTER 48.

## JUDGMENTS AGAINST COUNTY TREASURERS.

H. F. 336.

AN ACT to Authorize Boards of Supervisors to Compromise judgments Against County Treasurers and their Sureties, in Certain Cases.

Boards of su-  
pervisors may  
compromise  
judgments  
which exceed  
\$40,000.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. Where judgment has been heretofore rendered against any county treasurer and his sureties, in favor of any county in this state, which judgment exceeds the sum of forty thousand dollars (\$40,000) and remains unsatisfied, and the board

of supervisors of such county are satisfied that the full amount thereof cannot be collected on execution, such board of supervisors shall have full power, and are hereby authorized to compromise the said judgment, and to enter full satisfaction thereof under the terms of such compromise.

SEC. 2. In all cases referred to in section one of this act, if the principal debtor and every one of the sureties, shall, in writing, execute a written consent to a compromise with any one or more of the sureties, and to a release of such surety or sureties, and in such writing shall agree that such compromise, or release shall not release any of the sureties who shall not compromise and be released from the payment of the unpaid judgment, then in that case upon the filing of such written consent with the county auditor of such county, the board of supervisors of such county shall have full power, and are hereby authorized, to compromise with any one or more of such sureties, and to release such surety or sureties upon the terms which may be agreed upon in such compromise.

Principal debt  
or and sureties  
shall execute  
written consent.

Power of the  
board when writ-  
ten consent is  
filed.

SEC. 3. In case of any compromise as herein provided, made under section one of this act, or made under section two of this act, the money received by the county shall be paid to the various funds of the county, in proportion to the amount of each fund in default, as the same existed at the time the judgment was rendered, as nearly as the same can be ascertained, so that each fund shall receive its pro rata share as the same shall be determined by the board of supervisors thereof, and no more.

Money received  
to be paid to the  
various funds.

Approved, March 16, 1880.

## CHAPTER 49.

### ACTS OF COUNCIL OF WEST MITCHELL LEGALIZED.

AN ACT to Legalize the Acts of the Town Council of the Incorporated Town of West Mitchell, in the County of Mitchell, and State of Iowa. H. F. 549.

WHEREAS, On or about the 20th day of April, A. D. 1870, the town of West Mitchell, in the county of Mitchell and state of Iowa, was incorporated under the laws of this state; and,

Preamble.

WHEREAS, Said town organized under its articles of incorporation by the election of its officers and the transaction of business pertaining thereto, and did continue the transaction of business for a considerable time; and,

WHEREAS, In after years, said town neglected for some time to elect its officers, and transact its business under said act of incorporation, as the law prescribed; and,

Failed to elect  
officers.

Officers again  
elected in 1879.

WHEREAS, On the first Monday in March, 1879, officers were again elected, qualified, and transacted the official business for said incorporation, under and by virtue of the laws of this state; and,

Again elected in  
1880.

WHEREAS, On the first Monday in March, A. D. 1880, officers were again elected and qualified to act for said incorporated town, and have ever since transacted official business for said incorporation, as fully in all respects as though there had never been any cessation thereof; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing  
clause.

SECTION 1. That all of the official acts of the town council, and town officials of the town of West Mitchell, in the county of Mitchell, and state of Iowa, be and the same are hereby legalized, and in all respects binding in law, from the said date of the incorporation, as fully to all intents and purposes, in every respect, as though there had never been any cessation or neglect of said incorporated town, at any time, to elect its officers, or transact its business, in conformity to the laws of this state.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Mitchell County Press, a newspaper published in the county of Mitchell and state of Iowa, and the Iowa State Register, a newspaper published in the city of Des Moines, Iowa, without expense to the state.

Approved, March 16, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 3, 1880, and *Mitchell County Press*, March 25, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 50.

### LOCATION OF PUBLIC HIGHWAYS.

S. F. 79.

An ACT to Amend Section 925, Title VII, Chapter 1, of the Code, Relating to the Location of Public Highways.

Code § 925  
amended.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 925, title VII, chapter 1, Code, be and the same is hereby amended, by inserting the word "nor" after the word "house," in the seventh line of said section.

Approved, March 16, 1880.

## CHAPTER 51.

## FUNDING JUDGMENT INDEBTEDNESS.

AN ACT to Enable School Districts or District Townships to Issue Bonds for the Purpose of Funding Judgment Indebtedness now Existing. Additional to Code, Title XII, Chapter 9: "Of the System of Common Schools." S. F. 211.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That any school district or district township against which judgments have been rendered prior to the passage of this act, and which such judgments remain unsatisfied, may, for the purpose of paying off such judgment indebtedness, issue negotiable bonds of such district township, upon a resolution of the board of directors of the district township, running not more than ten years, and bearing a rate of interest not exceeding eight per cent per annum, payable semi-annually, which bonds shall be signed by the president of the district and countersigned by the secretary, and shall not be disposed of for less than their par value, nor for any other purpose than that provided by this act, and such bonds shall be binding and obligatory upon the district township.

School district or district township may issue bonds upon resolution of board of directors.  
  
Not more than 10 years, and interest not to exceed 8 per cent.  
  
Sold at par.

SEC. 2. It shall be the duty of the board of directors of any district township which issues bonds under this act, to provide for the payment of the same by the levy of tax therefor, in addition to the other taxes provided by law, and they are hereby required to levy such an amount each year as shall be sufficient to meet the interest on such bonds promptly as it accrues.

Boards of directors shall provide for paying bonds.

SEC. 3. The bonds issued under this act shall be in the name of the district township, and in substantially the same form as is by law provided for county bonds; shall be payable at the pleasure of the district township; shall be registered in the office of the county auditor; shall be numbered consecutively and redeemed in the order of their issuance.

How issued.

Approved, March 16, 1880.

## CHAPTER 52.

## RELATING TO CONSTRUCTION AND REPAIR OF ROADS.

S. F. 247. AN ACT to Amend Section 488 of the Code of 1873, in Relation to the Use of the Highway Tax of Incorporated Towns and Cities in Certain Cases.

*Be it enacted by the General Assembly of the State of Iowa:*

Code, § 488  
amended.

Towns and  
cities under  
10,000 inhab-  
itants may devote  
part of road tax  
to roads leading  
thereto.

Council may  
order a portion  
of highway tax  
on roads outside  
the city or town.

SECTION 1. That section 488, of the Code of 1873, be and the same is hereby amended by adding thereto the following words: "*Provided*, that in incorporated towns, and cities of the second class, whether organized under a special charter or under the general incorporation law, with a population under ten thousand inhabitants, whenever one-third of the resident tax-payers of such incorporated town or city shall petition the trustees or council of such incorporated town or city, asking that a portion of the highway tax of such incorporated town or city may be used to aid in the construction or repair of highways outside and within three miles of the limits of such incorporated town or city, such trustees or council may, upon the presentation of such petition, order a part of the highway tax of such incorporated town or city, not exceeding twenty-five per cent thereof, to be used and expended to aid in the construction or repair of highways outside and within three miles of the limits of such incorporated town or city.

Approved, March 16, 1880.

## CHAPTER 53.

## RELATIVE TO TOWN OR CITY LOTS.

H. F. 120. AN ACT to Provide that Lands to be Laid Out into Town or City Lots shall be Free from Incumbrance, or that Security shall be given against such Incumbrance, and that such Lots when thus Laid Out shall be Accurately Described relative to some Established Corner of the Congressional Division of which they are part, and Repealing Chapter 25 of the Laws of the Fifteenth General Assembly, and Chapter 63 of the Laws of the Sixteenth General Assembly.

*Be it enacted by the General Assembly of the State of Iowa:*

Persons laying  
out lands into  
town or city lots  
to procure cer-  
tificates that  
they are free  
from incum-  
brance.

SECTION 1. That whenever any person or corporation shall lay out any parcel of land into town or city lots in accordance with chapter 12, title IV of the Code, such person shall procure from the treasurer of the county in which the land lies a certified statement that the land thus laid out into lots, streets and alleys is



free from taxes, and shall also procure a certified statement from the recorder of such county, that the title in fee to said land is in such proprietor, and that the same is free from every incumbrance; which certified statements shall both be filed with the recorder before the plat of said town or city lots shall be admitted to record or of any validity: *Provided, however,* that if the parcel of land so laid out shall be incumbered with a debt certain in amount, and which will fall due not more than two years after the making of the affidavit hereinafter provided for, and which the creditor will not accept with accrued interest to the day of proffered payment, if it draws interest, or with a rebate of interest at the rate of six per centum per annum if it draws no interest or if the creditor cannot be found, then such proprietor, and if a corporation its proper officer or agent, may file with the recorder of such county his affidavit, stating either that such proprietor, has offered to pay such creditor the full amount of his debt, with interest or with a rebate of interest, as the case may be, and that such creditor would not accept the same, or that such creditor cannot be found, whereupon such proprietor may execute a bond double the amount of such incumbrance with three sureties who shall be freeholders of the county, to be approved by the recorder and clerk of the county, which bond shall run to the county, and shall be for the benefit of the purchasers of any of such town or city lots, and shall be conditioned for the payment of such incumbrance and the cancellation thereof of record as soon as practicable after the same becomes due and for the holding of all such purchasers and those claiming under them forever harmless from such incumbrance; and when such affidavit and bond shall have been filed with the recorder, together with a certificate of the treasurer that said land is free from taxes, and the certificate of the recorder that the title in fee to said land is in such proprietor, and that the same is free from all incumbrance except that secured by said bond, said plat shall be admitted to record, and be equally valid as if such proprietor had filed with the recorder the certificate of such recorder that said land was free from all incumbrance.

Filed with recorder.

Proviso: shall not affect incumbrance falling due in two years and certain in amount when full payment has been tendered.

Affidavit of proprietor.

Proprietor to execute bond.

File bond and certificate of county treasurer with recorder.

SEC. 2. All the certificates, affidavits and bonds provided for in the preceding section shall be recorded in connection with the plat to which they relate in the office of the recorder before the said plat or the record thereof shall be of any validity.

Certificates, affidavits and bonds recorded in connection with plat.

SEC. 3. The record and plat of every town, or city, or addition thereto, which may be thus laid out, shall give the bearing and distance from some corner of a lot or block in said town, or city, or part thereof, to some corner of the congressional division of which said town, city, or addition is a part.

Record and plat to show bearing and distance from government corner.

SEC. 4. The provisions of this act shall not prevent the annexation of contiguous territory to cities and towns under sections 426, 427, 428, and 429 of chapter 10, title IV of the Code, and chapter 47 of the laws of the sixteenth general assembly, as amended by chapter 169 of the laws of the seventeenth general assembly.

Not to affect annexation of contiguous territory, when.

Chapter 25,  
15th G. A. and  
chapter 63, 16th  
G. A. repealed.

Publication.

SEC. 5. Chapter 25 of the laws of the fifteenth general assembly, and chapter 63 of the laws of the sixteenth general assembly are hereby repealed.

SEC. 6. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 16, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 20, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 54.

### RELATIVE TO PARDON OF WM. RILEY.

H. F. 434.

AN ACT to Legalize the publication of Notice in Relation to the Pardon of William Riley.

Preamble.

Publication of  
notice not com-  
pleted 20 days  
prior to conven-  
ing of G. A.

Not submitted  
to G. A. in time  
prescribed.

Legalizing  
clause.

Publication.

WHEREAS, By mistake, the publication of notice required by law authorizing the pardon of convicts for murder in the first degree, in the matter of the application of William Riley for pardon, was not completed twenty days prior to the convening of the general assembly, said publication having been only completed within five days of such period; and,

WHEREAS, Said matter was not submitted to the general assembly until more than twenty days had elapsed from the date of completed service of such notice by publication before said matter was submitted to the general assembly by the governor; and,

WHEREAS, No objections have been filed or remonstrance made against such proposed pardon by any person whatever; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the publication of notice made pertaining to the pardon of William Riley, convict, be and the same is hereby legalized, and that said publication shall have the same force and effect as if the same had been made and completed within the time specified by law.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 17, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 20, 1880, and in the *Iowa State Register*, April 17, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 55.

## SEWERS FOR STATE BUILDINGS.

AN ACT Authorizing the Construction of Sewers for State Buildings through Streets and Alleys of Incorporated Cities, or Cities Acting under Special Charter. H. F. 423.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That in any incorporated city, or city acting under special charter, within the limits of which may be situated any state buildings, the trustees or commissioners having charge of said buildings or of the construction thereof, shall have authority to construct sewers therefor through or under any of the streets or alleys of said city. Trustees of state buildings may construct sewers through or under any street or alley.

SEC. 2. All acts or parts of acts conflicting with this act are hereby repealed. Repealing clause.

SEC. 3. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved, March 17, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 20, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 56.

## EXTENSION OF CITY LIMITS.

AN ACT to Provide for the Extension of the Limits of Cities of the First or Second Class. H. F. 215.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That in addition to the methods now provided by law for extending city limits, whenever the owner or owners of lands adjoining the limits of any city of the first or second class, organized under the general laws of the state of Iowa, shall desire to have their lands brought within the limits of such city, they may apply to the city council of such city to have the limits of the city extended so as to include such lands, and shall attach to the application a map of such lands showing their Additional mode of extending limits when owner desires to have land brought within city limits.

Shall attach map to application.

If council approve, minute thereof indorsed on map by city clerk.

Acknowledged by owner, etc.

Publication.

situation, with respect to the existing limits of the city. If the city council shall assent to the extension of the limits of the city, as applied for, a minute thereof shall be indorsed upon the map by the city clerk, and the same shall then be acknowledged by the owner, and recorded in the office of the recorder of the proper county, as provided in section 560 of the Code. Thereafter the limits of the city shall be extended so as to conform to the line proposed and so assented to by the city council.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the *Iowa State Register* and the *Burlington Hawk-Eye*, newspapers published at Des Moines and Burlington, Iowa.

Approved, March 17, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Burlington Hawk-Eye*, March 23, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 57.

### TO RELIEVE MANUFACTURERS FROM DOUBLE TAXATION.

H. F. 26.

AN ACT to Relieve Corporations Engaged in Manufacturing, from Double Taxation in Certain Cases.

*Be it enacted by the General Assembly of the State of Iowa:*

Realty, personal property, money and credits of corporations engaged in manufacturing shall be listed same as individuals.

Machinery regarded as real estate.

Capital stock then exempt.

SECTION 1. That corporations organized under the laws of this state for pecuniary profit, and engaged in manufacturing, as defined by section 816 of the Code, and which have their capital represented by shares of stock, shall, through their principal accounting officers, list their real estate, personal property, and moneys and credits, in the same manner as is required of individuals; and their machinery used in their manufacturing establishments, shall, for the purposes of this act, be regarded as real estate.

SEC. 2. The owners of capital stock of manufacturing companies, as herein provided for, having listed their property as above directed, shall be exempt from assessment and taxation.

Approved, March 17, 1880.

## CHAPTER 58.

## RELATING TO GARNISHMENT PROCEEDINGS.

AN ACT to Amend Section 2975 of the Code, Relating to Garnishment Proceedings. H. F. 94.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 2975 of the Code be and the same is hereby amended, by adding thereto the following: Code, § 2975 amended.

"But no judgment shall be entered in any garnishment proceedings condemning the property or debt in the hands of the garnishee, until the principal defendant shall have had ten days' notice of such proceedings. If the case is pending in the district or circuit court, the notice shall be served in the same manner as original notices are required to be served. If the case is pending before a justice of the peace, the defendant shall have at least five days' personal notice of such proceeding, if he be a resident of the county; otherwise, service of such notice may be made by posting the same in three public places in the township in the manner provided by section 3609 and 3610 of the Code. The fact that the defendant is not a resident of the county, may be shown by the affidavit of the plaintiff, or his attorney, filed with the justice before such notices are posted."

Principal defendant to have ten days' notice when case is before court, and five days if before a justice.

Notice when defendant is not a resident.

Approved, March 17, 1880.

## CHAPTER 59.

## BONDS OF INDEPENDENT SCHOOL DISTRICTS.

AN ACT to Amend Section 1822, Chapter Nine (9), Title Twelve H. F. 107. (12) of the Code of 1873.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 1822, of chapter nine (9), title twelve (12) of the Code of 1873, be amended by inserting after the words "president of the board" in the fifteenth line of said section, the words "and attested by the secretary."

Requiring issuance of bonds to be attested by secretary.

Approved, March 17, 1880.

## CHAPTER 60.

## SUPREME COURT REPORTS.

Sub. S. F. 65,  
66 and 52.

AN ACT to provide for the Stereotyping, Publishing and Sale of the Supreme Court Reports, and to Repeal Sections 155, 156, 157, and 160, Chapter 4, Title 3 of the Code, and to Fix the Salary of the Supreme Court Reporter.

*Be it enacted by the General Assembly of the State of Iowa:*

Reporter shall  
prepare opinions  
for publication  
within 60 days  
after sufficient  
for a volume are  
announced.

Shall furnish an  
index within 20  
days after proof-  
sheets are  
furnished.

Publishers to  
furnish reporter  
with revised  
proofs for cor-  
rection by  
judges.

Number of  
pages of each  
volume.

To be equal to  
Vol. 40.

Copyrights vest  
in the state.

Contractor has  
exclusive right  
to publish re-  
ports.

Reports to be  
published under  
contract with  
executive coun-  
cil.

SECTION 1. That within sixty days after sufficient opinions are announced to make a volume, as herein provided, the supreme court reporter shall furnish and deliver, at his office in Des Moines, Iowa, to the person, persons, or corporation, having the contract with the state for publishing the same, copies of such opinions; and with each opinion a syllabus, a brief statement of the facts involved, and the legal propositions made by counsel in the argument, with the authorities cited. But the argument shall not be reported at length; and within twenty days after the proof-sheets for a volume are furnished to him by the publishers, at his office in Des Moines, Iowa, he shall furnish to said publishers an index and table of cases to such volume. The publishers shall furnish to the reporter, without delay, as soon as they shall be issued, two copies of the revised proof-sheets of the opinions, head-notes, indexes, and table of cases of each volume, for correction and approval by the judges of the supreme court, and shall cause such corrections to be made as shall be indicated thereon by said judges. Each of said volumes shall contain not less than 750 nor more than 800 pages, exclusive of table of cases and index, and the workmanship and quality of material shall in every particular be equal to the first issue of volume forty of the Iowa supreme court reports, and shall be approved and accepted by a majority of the judges of the supreme court.

SEC. 2. The copyrights of all the supreme court reports hereafter published shall vest in the secretary of state for the benefit of the people of this state; but this shall not be construed to prevent the contractor, by whom any volume is published, his representatives or assigns, from continuing the exclusive publication and sale of such volume so long as he or they shall, in all respects, comply with the requirements of this act in respect to the character, sale and price of such volume.

SEC. 3. The supreme court reporter shall have no pecuniary interest in such reports, but the same shall be published under the contract, to be entered into by the executive council with the person, persons, or corporation, who shall agree to publish and sell the same on the terms most advantageous to the people of

this state, at a price not to exceed two dollars per volume, of the size and quality as provided for in this act. And if any such volume shall, in any way, or from any cause, contain more than eight hundred pages, no increased or additional price shall be charged therefor.

Price not to exceed two dollars per volume.

SEC. 4. The executive council shall, commencing in the first week in April, A. D. 1880, and every eight years thereafter, advertise weekly in six different newspapers in different localities in this state, for the term of six weeks, that sealed proposals will be received at the office of the secretary of state for printing, publishing, and selling the said reports for the term of eight years next after the first day of June of said year, at a certain rate per volume, to be stated in said proposal, not exceeding the maximum price fixed by this act, and in accordance with the provisions of this act.

Advertise for bids the first week in April, 1880.

Contract for eight years from 1st of June, 1880.

SEC. 5. Each bidder shall deposit with the state treasurer the sum of one thousand dollars before making his proposal, to be forfeited to the state in case he shall not make a contract according to his proposal if accepted, and according to the requirements of this act, and shall take a receipt from said treasurer, and deposit the same with his proposal, and upon entering into the contract herein provided, or upon the proposal being rejected, the said sum shall be returned.

Each bidder to deposit \$1,000 with treasurer of state.

SEC. 6. The successful bidder shall enter into a contract that he will publish the supreme court reports of the state of the quality, style, and character in all respects as set out in section one of this act; that he will publish and deliver to the secretary of state, at the capitol in Des Moines, two hundred and fifty copies free of cost for publication or delivery at the earliest practicable time, and within sixty days after the delivery of the manuscripts for any one copy of such reports to the publishers; that he will stereotype the same, and at all times keep the same on sale in the state of Iowa, to residents of this state for actual use at the contract price, in suitable quantities, in the city of Des Moines; that he will furnish the state any number of additional copies that may be required for its own use at the contract price, and procure new stereotype plates whenever the original plates shall become defaced or destroyed; and the said contract shall fully provide for the carrying into effect of all the provisions of this act, and shall be made within thirty days after he is notified of the acceptance of his proposal.

Successful bidder shall enter into contract, etc.

Deliver to secretary of state 250 copies free of cost.

Keep reports for sale, at the contract price, in the city of Des Moines.

Procure new stereotype plates.

Shall make contract within 30 days.

SEC. 7. The successful bidder shall, at the time of making his contract, execute and file with the treasurer of state a bond, in the penal sum of ten thousand dollars, conditioned to fulfill such contract in all particulars, with at least two sufficient sureties, residents of this state, to be approved by the executive council of the state. Such bond shall, by its terms, be the joint and several obligations of the persons executing it. If the successful bidder shall fail to complete his contract, or shall forfeit the same for any cause, the executive council shall re-let the contract as soon thereafter as practicable, in

Give bond in sum of \$10,000.

On failure to complete contract the executive council shall re-let.

May deposit bonds with treasurer of state.

Conditions of contract.

Not take out copyright in name of other than secretary of state.

\$2,000. penalty.

When failure of contractor has been determined in action on the bond, executive council may declare contract forfeited.

Transfer stereotypes or pay \$2,000 for each volume.

Salary of supreme court reporter.

\$2,000. annually after 1st of July, 1880.

Code, §§ 155, 156, 157 and 160 repealed.

Does not affect supreme court reports up to and including volume 51.

Publication.

the manner provided in this act: *Provided, however,* that such bidder, in lieu of sureties to such bond, may deposit therewith bonds of the United States, payable to the bearer, amounting to not less than ten thousand dollars.

SEC. 8. The contract of the successful bidder required by this act shall contain, among others, the following covenants on his part:

*First.* That he will not take out in his own name, nor procure to be taken out in the name of any person other than the secretary of state of this state, a copyright upon any volume of the supreme court reports published under such contract; and that, upon any breach of this covenant, he will pay to the treasurer of this state the sum of two thousand dollars as liquidated damages.

*Second.* That in case it shall be determined in any action upon the bond of such contractor, that he has failed in any respect to comply with the provisions of this act or his contract, the executive council may declare the contract forfeited; and that, upon such forfeiture so declared, such contractor will, upon demand, transfer to the secretary of state of this state, for the use of the state, the stereotyped plates of each volume of such reports published under such contract, or in default thereof will pay to the treasurer of this state two thousand dollars for each such volume as liquidated damages for a failure to make such transfer; and such failure shall be deemed a breach of the conditions of such bond, and such liquidated damages may be recovered by action on such bond.

SEC. 9. The supreme court reporter shall receive as his compensation for all services up to the first day of July, 1880, such sums as shall be paid to him by the state under existing laws for the publication of the supreme court reports, up to and including volume fifty-one. After the first day of July, 1880, the supreme court reporter shall receive an annual salary of two thousand dollars, payable quarterly upon the certificate of the judges of said court that he has properly performed the duties of reporter, as required by this act.

SEC. 10. Sections 155, 156, 157 and 160, of chapter 4, title III, of the Code, and all acts and parts of acts conflicting with the provisions of this act, are hereby repealed: *Provided,* that the passage of this act shall not be construed to affect the publication of the supreme court reports up to and including volume fifty-one; but in all other respects the provisions of this act shall be in force from the time it takes effect as hereinafter provided.

SEC. 11. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Iowa State Leader, newspapers published at Des Moines, Iowa, anything in section 33 of the Code to the contrary notwithstanding.

Approved, March 18, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 23, 1880.

J. A. T. HULL, *Secretary of State.*



## CHAPTER 61.

## TOWN OF BENTONSPORT LEGALIZED.

AN ACT to Legalize the Incorporation of the Town of Bentonsport, S. F. 290.  
Van Buren county, Iowa.

WHEREAS, The town of Bentonsport, in Van Buren county, Preamble.  
Iowa, was incorporated under the provisions of chapter 42 of the  
Code of 1851, laws of Iowa; and,

WHEREAS, The charter of said town and notice of its adoption Charter, etc.,  
not recorded.  
was not recorded or entered on the county records of said county,  
as required by said chapter 42, Code of 1851; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the incorporation of the said town of Ben- Legalizing  
clause.  
tonsport, Van Buren county, Iowa, is hereby legalized, together  
with all the corporate acts of said town done in accordance with  
law, the same as if the said charter of said town, and notice of  
its adoption, had been duly recorded or entered of record, as re-  
quired by law.

SEC. 2. This act, being deemed of immediate importance, shall Publication.  
take effect and be in force from and after its publication in the  
Iowa State Register, a newspaper published at Des Moines, Iowa,  
and in the Keosauqua Republican, a newspaper published at  
Keosauqua, Van Buren county, Iowa, said publication to be  
without expense to the state.

Approved, March 19, 1880.

I hereby certify that the foregoing act was published in the *Iowa  
State Register*, March 20, and in the *Keosauqua Republican*, March 25,  
1880

J. A. T. HULL, *Secretary of State.*

## CHAPTER 62.

## AUTHORIZING CERTAIN STATE OFFICERS TO ADMINISTER OATHS.

AN ACT to Amend Section 277, Chapter Fourteen (14), Title Three H. F. 319.  
(III), of the Code, Relating to the Administration of Oaths.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 277, chapter fourteen (14), title Code, § 277  
amended.  
three (III), of the Code, be and the same is hereby amended, by  
adding thereto, at the end of said section, the following:

Authorizing  
governor, sec-  
retary, audi-  
tor and treas-  
urer to adminis-  
ter oaths.

"The governor of the state, the secretary of state, the auditor of state, and the treasurer of state, are authorized to administer oaths in any matter pertaining to the business of their respective offices, or that may come before them for consideration and action as members of the executive council."

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at the seat of government.

Approved, March 19, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* March 21, and in the *Iowa State Leader* March 22, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 63.

### RELATIVE TO TRANSFER OF SCHOOL-HOUSE FUNDS.

H. F. 322.

AN ACT to Amend Section 1717 of the Code, to Provide for the Transfer of Funds in the School-House Fund Unappropriated to Either of the Other Funds.

Code, § 1717  
amended.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 1717 of the Code be amended by adding at its close the following:

School-house  
fund transferred  
to contingent or  
teachers' fund.

4. "To instruct the board of directors to transfer any surplus in the school-house fund, not appropriated, to either the contingent or teachers' fund."

Approved, March 19, 1880.

## CHAPTER 64.

## RELATIVE TO CONSTITUTIONAL CONVENTION.

**AN ACT** Providing for the Carrying into Effect Section Three (3), H. F. 390. Article Ten (10), of the Constitution of the State of Iowa, in Reference to Revising and Amending the Constitution of the State.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1.** That when the governor of the state issues his proclamation for the election of state officers for the general election of A. D. 1880, he shall also, at said time, in such proclamation, give notice to the qualified electors of the submission of the question: "Shall there be a convention to revise the constitution and amend the same?" Question to be submitted to the people.

**SEC. 2.** At the general election in the year 1880, the question named in section one of this act shall be written or printed on each ballot, and at the end of said question the words "yes" or "no" shall be written or printed on such ballot. All such ballots having thereon the word "yes" shall be counted in favor of the proposition so submitted, and all such ballots having thereon the word "no" shall be counted as against such proposition. Ballot.  
How counted.

**SEC. 3.** The judges of election shall canvass the votes on such question at the same time and in the same manner that they canvass the votes of state officers, and make due returns thereof in the same manner. Canvass and return of votes by judges of election.

**SEC. 4.** It shall be the duty of the county board of canvassers to canvass the vote on the question so submitted as aforesaid, at the same time and place they shall canvass the vote for state officers, and make due return thereof to the secretary of state at the same time the returns for state officers are made, in the year 1880. By county board of canvassers.

**SEC. 5.** It shall be the duty of the state board of canvassers, at the time of canvassing the vote for state officers, to canvass the returns of the vote so returned, as provided by section four (4) hereof, and make a record thereof and certify the same to the next general assembly. Duty of state board of canvassers.

Approved, March 19, 1880.

## CHAPTER 65.

## ORDINANCES OF FORT DODGE LEGALIZED.

H. F. 558. AN ACT to Legalize Certain Ordinances of the City of Fort Dodge.

*Be it enacted by the General Assembly of the State of Iowa:*

Ordinances  
legalized on the  
adoption  
of which yeas  
and nays were  
not called or re-  
corded.

SECTION 1. That the ordinances of the city of Fort Dodge, now in use in said city, on the passage of which the "yeas and nays" have not been called, or have not been recorded, or have not been read, on their passage, in the time, or in the manner provided by law, be and they are hereby severally declared to be as legal and binding in every respect as if the "yeas and nays" had been called, and recorded as provided by law, and as if the ordinances had been severally read on their passage in the time and in the manner provided by law at the time of the passage thereof.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register and the Webster County Union, newspapers published at Des Moines and Fort Dodge, Iowa, without expense to the state.

Approved, March 19, 1880.

I hereby certify that the foregoing act was published in the *Webster County Union* March 24, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 66.

## SPRINGDALE MUTUAL FIRE INSURANCE COMPANY LEGALIZED.

H. F. 872. AN ACT to Legalize the Acts and Incorporation of the Springdale Mutual Fire Insurance Company, of Cedar county, Iowa.

Preamble.

Articles of in-  
corporation  
were not filed in  
office of the  
secretary of  
state.

WHEREAS, There was organized, January 23d, 1872, the Springdale Mutual Fire Insurance Company, of Cedar county, Iowa, whose articles of incorporation were duly filed January 30th, 1872, and recorded in the office of the recorder of Cedar county, Iowa, wherein is situated the principal and only place of business of said corporation; but by oversight a copy of said articles was not filed with the secretary of state as in such cases made and provided. The said association has since its organization

been proceeding to conduct and carry on its business; now, therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the incorporation of the Springdale Mutual Fire Insurance Company, of Cedar county, Iowa, be and the same is hereby legalized, as are all the acts, the amendments to their constitution and by-laws, and proceedings of said association since done in pursuance of its articles, the same as if said articles of incorporation had been duly signed, recorded and filed, and no act of said association or of its board of directors shall be invalid by reason of the omission to sign, record and file said articles of association with the secretary of state: *Provided*, They shall within a reasonable time file with the secretary of state a copy of said articles duly certified to by the recorder of said county. Legalising clause.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the State Register, a newspaper published in Des Moines, Iowa, and West Branch Local Record, a newspaper published in West Branch, Iowa, said publication to be without expense to the state. Publication.

Approved, March 20, 1880.

I hereby certify that the foregoing act was published in the *West Branch Local Record*, March 25, 1880, and in the *Iowa State Register*, April 14, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 67.

### IOWA AGRICULTURAL COLLEGE.

AN ACT Making Appropriations for the Iowa Agricultural College. H. F. 227.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That there is hereby appropriated to the Iowa Agricultural College, out of any moneys in the treasury not otherwise appropriated, the sums for the purposes herein named, to-wit: For a building to be occupied by the schools in agriculture and veterinary science and the botanical department, six thousand dollars (\$6,000); for buildings to be used as feeding barns by the professor of experimental farming, eight hundred dollars (\$800); for swine-houses, corn-cribs, and poultry-houses, one thousand two hundred dollars (\$1,200); for two boarding cottages, to meet the demand for additional room, three thousand five hundred dollars (\$3,500); for needed repairs upon college buildings and for necessary expenses incurred in the management \$12,500 appropriated for new buildings, etc.

of college lands, the sum of one thousand dollars (\$1,000) annually, the first payment to be made on May 1st, 1880, and the same sum annually thereafter.

Building now  
used by schools  
of veterinary  
science to be  
used as board-  
ing-hall.

\$500 appropri-  
ated.

Proviso.

Vouchers.

Publication.

SEC. 2. That the building now occupied by the schools in veterinary science and the botanical department shall, as soon as it becomes available, be used for the purpose of a boarding-hall, and for the department of domestic economy; and that the sum of five hundred dollars (\$500) is hereby appropriated to fit it for such occupancy: *Provided*, That any sum remaining after the specific object for which it was appropriated shall have been completed may be used so far as necessary for any other of the purposes specified in this act, subject, however, to the discretion of the executive council.

SEC. 3. The board of trustees shall take vouchers in duplicate of all moneys expended under this appropriation, one of which shall be filed in the office of the auditor of state. The trustees shall at the close of each month present to the auditor of state a certified exhibit of all amounts due for labor done or material furnished during said month; and the auditor shall thereupon deliver to the treasurer of the college a warrant upon the state treasurer for the amount, and no warrant shall issue except upon such exhibit.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 20, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 24, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 68.

### TOWN OF SHEFFIELD LEGALIZED.

H. F. 542.

AN ACT Legalizing Certain Action of the Town Council of the Town of Sheffield, in the county of Franklin and State of Iowa.

Preamble.

Incorporated  
May, 1876.

Limits extended  
July, 1876.

WHEREAS, The town of Sheffield, in the county of Franklin, and State of Iowa, was, on the thirteenth day of May, 1876, incorporated under the statute of this state and organized as an incorporated town; and,

WHEREAS, On the twenty-third day of July, 1876, the limits of said incorporated town were extended by adding other territory thereto, as by statute provided; and,

WHEREAS, On the third day of June, 1879, the limits of said incorporated town were further extended by adding other territory thereto, as by statute provided; and, Further extended June, 1879.

WHEREAS, At the time of making such extensions and additions no newspaper was published in said town of Sheffield in which to publish notice, as required by statute, the same having been published by posting; therefore, Notices published by posting.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the said several acts extending the limits of said incorporated town of Sheffield, as aforesaid, are hereby legalized and declared valid, the same as though the law requiring the publication of notice had been fully complied with. Legalizing clause.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, published at Des Moines, and the Sheffield Press, published at Sheffield, Iowa: *Provided*, Such publication shall be without expense to the state. Publication.

Approved, March 20, 1880.

I hereby certify that the foregoing act was published in the *Sheffield Press*, March 25, 1880, and in the *Iowa State Register*, April 6, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 69.

### STATE LIBRARY.

AN ACT to Amend Chapter Thirteen (13), Title Twelve of the H. F. 177. Code, in Relation to the State Library.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. From and after the taking effect of this act no books, maps, charts or papers belonging to the state library shall be removed from the capitol building, except to remove the same from the old capitol building to the new capitol building, when such building shall have been prepared to receive the same. Forbidding the removal of books, etc. from capitol building.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed, so far as the same conflicts with this act. Repealing clause.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force as soon as published in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved, March 20, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 24, 1880, and in the *Iowa State Register*, March 25, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 70.

## REPAIR OF GUN-CARRIAGE.

H. F. 16. AN ACT to Appropriate Money to Defray Expenses in Repairing Gun-Carriage of twelve-pounder Napoleon Gun of Battery F, First Regiment Light Artillery, Iowa National Guards.

*Be it enacted by the General Assembly of the State of Iowa:*

\$25 appropriated for repair of gun-carriage.

SECTION 1. That there be appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty five dollars to be paid to George Wann, of Marshalltown, for repairs made by him to the wood-work on 12-pounder Napoleon gun in possession of Battery F, first regiment light artillery, Iowa national guards.

Approved, March 20, 1880.

## CHAPTER 71.

## STATE HISTORICAL SOCIETY.

H. F. 467. AN ACT to Amend Section 1900 of the Code, in Relation to the State Historical Society.

*Be it enacted by the General Assembly of the State of Iowa:*

Code, § 1900 amended.

Increasing appropriation for.

SECTION 1. That section 1900 of the Code of 1873 be and the same is hereby amended by striking out in the fourth line the word "five" and inserting the word "ten" in lieu thereof.

Approved, March 20, 1880.

## CHAPTER 72.

## STATE NORMAL SCHOOL.

H. F. 451. AN ACT Making Appropriation for the Maintenance of the Normal School at Cedar Falls.

*Be it enacted by the General Assembly of the State of Iowa:*

\$27,700 appropriated for maintenance, etc.

SECTION 1. That there is hereby appropriated for the maintenance of the normal school at Cedar Falls, for the next biennial period:



1st. For the payment of teachers, thirteen thousand and seven hundred dollars (\$13,700), to be paid in eight equal quarterly payments commencing July 1, 1880.

2d. For repairs and improvements, two thousand dollars (\$2,000), to be paid in two equal annual payments to be made July 1, 1880, and July 1, 1881.

3d. For library and apparatus, one thousand dollars (\$1,000), to be paid July 1, 1880.

4th. For contingencies, one thousand dollars (\$1,000).

Approved, March 20, 1880.

## CHAPTER 73.

### LEGALIZING SPAULDING TOWNSHIP.

AN ACT to Legalize the Acts of the Township Trustees of Spaulding H. F. 261.  
Township, Union County, Iowa.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all acts of the township trustees of Spaulding township, Union county, Iowa, in relation to the steps taken by them in submitting the question of restraining stock from running at large, in accordance with the provisions of section 1458 of the Code of 1873, are hereby declared legalized and made valid, as though the same had in all respects been in strict conformity to law.

Acts of trustees  
in submitting  
question of re-  
straining stock  
legalized.

Approved, March 20, 1880.

## CHAPTER 74.

### MILITARY CODE OF IOWA.

AN ACT to Provide a Military Code, and for the Organization, Government and Support of the State Militia, and to Repeal Chapter 125, Laws of Seventeenth General Assembly. S. F. 117.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all able-bodied male citizens of the state, between the ages of eighteen and forty-five years, who are not exempted from military duty according to the laws of the United States, shall constitute the military force of this state: *Provided,* <sup>Militia of the state.</sup>

Honorably discharged soldiers exempt. that all persons who have served in the United States service and have been honorably discharged therefrom, are exempt from duty under the military laws of the state; but nothing here contained shall be construed to prohibit any person from becoming a member of any military organization, or holding any office in the militia of this state.

Duties of assessors in taking list of militia. SEC. 2. Assessors in each township are required to make a return to the county auditor of their respective counties, at the time of making the annual assessment, a correct list of persons subject to military duty, which list may be revised and corrected by the board of supervisors, and the county auditor shall, in the month of June in each even numbered year, or at such other time as the governor may direct, certify to the adjutant-general a true copy of said list, and in each odd numbered year he shall certify to the number of names on said list.

Shall be ordered out when a requisition is made by the president. SEC. 3. When a requisition shall be made by the president of the United States for troops, the governor, as commander-in-chief, shall, by his proclamation, order out for active service the militia of the state, or such portion thereof as may be necessary, designating the same by draft, if a sufficient number shall not volunteer, and may organize the same, and commission officers therefor; and when so ordered out for service, the militia shall be subject to like regulations, and receive from the state like compensation and subsistence, as are prescribed by law for the army of the United States.

In case of insurrection, etc., may be ordered out. SEC. 4. The commander-in-chief shall have power, in case of insurrection, invasion, or breaches of the peace, or imminent danger thereof, to order into the service of the state such of its military force as he may deem proper, and under the command of such officers as he shall designate.

Sheriff can call on any commandant when. SEC. 5. In case of any breach of the peace, tumult, riot, or resistance to process of this state, or imminent danger thereof, it shall be lawful for the sheriff of any county to call for aid upon the commandant of any military force within his county, immediately notifying the governor of such action; and it shall be the duty of the commandant upon whom such call is made, to order out in aid of the civil authorities the military force, or any part thereof, under his command.

Senior officer to command unless otherwise ordered. SEC. 6. The command of any force called into service under sections 4 and 5 shall devolve upon the senior officer of such force, unless otherwise specially ordered by the commander-in-chief.

Compensation of officers and enlisted men. SEC. 7. The military forces of this state, when in the actual service of the state in time of insurrection, invasion, or immediate danger thereof, shall, during their time of service, be paid, by an appropriation especially made therefor, the following sums each for every day actually on duty:

To each general, field and staff officer.....	\$ 4.00
To every other commissioned officer .....	2.50
To every non-commissioned staff officer.....	2.00
To every other enlisted man.....	1.50

SEC. 8. All officers and soldiers, while on duty or assembled therefor pursuant to the order of any sheriff of any county in cases of riot, tumult, breach of peace, or whenever called upon to aid the civil authorities, shall receive the same compensation as provided for in section 7, and such compensation shall be audited, allowed and paid by the supervisors of the county where such service is rendered, and shall be a portion of the county charges of said county, to be levied and raised as other county charges are levied and raised.

Compensation when called out by sheriff.

SEC. 9. The active militia shall be designated "the Iowa national guard," and shall consist of nine (9) regiments of infantry, and shall be recruited by volunteer enlistments.

Name—number of regiments limited.

SEC. 10. The entire state shall be composed of not more than two brigades, to be commanded by two brigadier-generals. The commander-in-chief shall assign all regiments, battalions and companies to such brigades as he shall think proper. All enlistments therein shall be for five years, and made by signing enlistment papers prescribed by the adjutant-general, and taking the following oath or affirmation, which may be administered by the enlisting officer, to-wit:

Entire state compose two brigades.

Enlistments shall be for five years.

"You do solemnly swear (or affirm) that you will bear true allegiance to, and that you will support the constitution of the United States and the state of Iowa, and that you will serve the state of Iowa faithfully in its military service for the term of five years, unless sooner discharged or you cease to become a citizen thereof; that you will obey the orders of the commander-in-chief and such officers as may be placed over you, and the laws governing the military forces of Iowa—so help you God."

Oath.

SEC. 11. The staff of commander-in-chief shall consist of an adjutant-general, an inspector-general, a quartermaster-general, a commissary-general, and a surgeon-general, and such other officers as he may think proper to appoint. The adjutant-general shall rank as a major-general. He shall issue and transmit all orders of the commander-in-chief, with reference to the militia or military organizations of the state, and shall keep a record of all officers commissioned by the governor, and of all general and special orders and regulations, and of all such matters as pertain to the organization of the state militia and the duties of an adjutant-general, and, except in times of war or public danger, he shall perform the duties of quartermaster-general, as required by law, without additional compensation therefor. He shall have charge of the state arsenal and grounds, and shall receive and issue all ordnance stores and camp equipage on order of the commander-in-chief. He may appoint, with the approval of the governor, an ordnance-sergeant, at a salary of not more than \$500 per year, who shall, under the direction of the adjutant-general, take charge of the state arsenal and grounds, and shall aid and assist him in the discharge of his duties. He shall furnish, at the expense of the state, such blanks and forms as shall be approved by the commander-in-chief. He shall also, on or before the first day of October next preceding the regular session

Staff of commander-in-chief

Adjutant general.

Act as quartermaster-general and have charge of arsenal.

Ordnance-sergeant, salary and duty of.

Adjutant-general shall report.	of the general assembly, and at such other times as the governor shall require, make out a full and detailed account of all the transactions of his office, with the expense of the same for the preceding two years, and such other matters as shall be required by the governor. He shall reside at the state capital and shall hold his office during the pleasure of the governor, and shall receive for his services \$1,500 per year.
Salary.	
Election of generals of brigades.	SEC. 12. The generals of brigades shall be elected by the officers and enlisted men of each brigade respectively, and shall hold their office for five years, or until removed by court-martial or resignation. On recommendation of brigade commanders, the governor shall appoint and commission the brigade staff, as follows: Assistant-adjutant-general, with rank of lieutenant-colonel; assistant-inspector-general, with rank of major; surgeon, with rank of major; quartermaster, with rank of captain; commissary, with rank of captain; and two aids-de-camp, with rank of first lieutenant; judge-advocate, with rank of major.
Staff of brigade commanders.	
Regiments, how organized.	SEC. 13. A regiment shall consist of not less than eight nor more than ten companies. The colonel and lieutenant-colonel and major of all regiments shall be elected as hereinafter provided. The regimental staff shall consist of a surgeon, with rank of major; assistant-surgeon, with rank of captain; chaplain, with rank of captain; adjutant, with rank of first lieutenant; quartermaster, with rank of first lieutenant; who shall be appointed and commissioned by the governor, on recommendation of the regimental commander. The colonel of each regiment shall appoint by warrant, countersigned by the adjutant, a sergeant-major, quartermaster-sergeant, commissary-sergeant, hospital steward, color-sergeant, ordnance-sergeant, drum-major, fife-major, and one bugler, who shall constitute the non-commissioned staff. All field officers shall hold their offices for five (5) years. The commissions of all staff officers shall expire when the officer nominating them or his successor shall make new nominations to their respective offices, and such nominations shall be confirmed by the commander-in-chief.
Regimental staff.	
Commissioned for five years.	
Organize a band.	SEC. 14. The generals of brigades, and regimental commanders, may cause to be organized and enlisted a band, under the leadership of the principal musician of his command, not to exceed sixteen (16) in number, who shall be subject to the orders of such leader, and shall be under the command of such brigade, or regimental commander, and shall be subject to the same regulations as are prescribed for other enlisted men.
Organization of a company.	SEC. 15. A company shall consist of a captain, a first lieutenant, a second lieutenant, five sergeants, four corporals, two musicians, and not less than forty nor more than sixty-four privates and non-commissioned officers. Company officers shall be elected by members of the company, and shall hold their offices for five (5) years. All non-commissioned officers of companies, on recommendation of their captains, shall be appointed by the warrant of the regimental commander, countersigned by the adjutant. All elections of line officers shall be ordered by the regimental
Company officers elected.	
Non-commissioned officers appointed.	

commander. All elections of field and general officers shall be ordered by the commander-in-chief. The orders for such election shall be sent to the commanding officer of the company in which said election is ordered, who shall in turn issue his special order for such election, giving at least six days' notice thereof, posting said order in three public places accessible to the members of his command, and where practicable, the same shall be published in one or more newspapers in the county where said company is located. All voting shall be by ballot, and no voting by proxy shall be legal; and a majority of all votes cast shall be necessary to elect. The senior officer present at such election shall preside. The returns of elections, properly attested, shall be made promptly within five days from the date of election, to the commanding officer of the regiment, who shall promptly forward the result of said election to the brigade commander, who shall report the same to the adjutant-general of the state, by whose approval the commander-in-chief will issue commissions accordingly: *Provided*, that at the organization of a new company the election shall be conducted under such regulations as the adjutant-general shall prescribe.

Election of field  
and general  
officers.

Proviso.

SEC. 16. Every company and regiment may make by-laws for its own government not in conflict with this act or general orders or regulations, which shall be binding upon the members.

By-laws.

SEC. 17. Every officer and soldier of the Iowa national guard shall be held to duty for the full term of five (5) years, unless regularly discharged for good and sufficient cause by the commandant of his regiment, approved by the commander-in-chief: *Provided*, That said term of five (5) years shall in all cases commence from the time such officer or soldier shall have become an active member of any band, company, regiment or brigade organized or commissioned under the laws of this state, and now belonging thereto. All persons serving five (5) years consecutively in the national guard shall, on application, be entitled to an honorable discharge, exempting them from military duty except in time of war or public danger.

Term of service  
and when began.

Proviso

Five years' ser-  
vice an exempt-  
ion.

SEC. 18. The organization, equipment, discipline and military regulations of the Iowa national guard shall strictly conform to the regulations for the government of the army of the United States, in all cases except as herein otherwise provided, and all orders and regulations governing troops, not in conflict with the constitution of this state and the provisions of this act, shall be binding upon all members of the Iowa national guard.

Military regula-  
tions.

SEC. 19. Every officer and soldier of the Iowa national guard shall be exempt from jury duty, from head or poll tax of every description, during the term he shall perform military duty. The uniforms, arms and equipments of every member of the state guard shall be exempted from all suits, distresses, executions or sales for debt or payment of taxes. The Iowa national guard shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at drills,

Exemptions on  
account of mili-  
tary duty.

terest or relationship, the commander-in-chief may designate the judge-advocate of another brigade to act in his place.

Trial by court-martial.

SEC. 33. Commissioned officers, for neglect of duty, disobedience of orders or unsoldierly or ungentlemanly conduct, may be tried by court-martial, provided that no sentence of any court-martial shall affect the life, liberty or property of any citizen of Iowa, according to the regulations provided in like cases in the army of the United States. The commander-in-chief, by order, shall designate the time and place of holding such courts, and the names of officers composing it, consisting of not less than three nor more than six. The senior officer named shall preside, and shall be of superior rank to the officer on trial, when practicable. Witnesses for the prosecution and defense may be summoned to attend by subpoena signed by the judge-advocate. Any witness, duly summoned, who shall fail to appear and testify may be, by warrant of the president of the court, directed to the sheriff or any constable, arrested and treated as in like cases before civil courts. The fees of all witnesses shall be the same as allowed in civil cases, to be taxed, with the necessary expenses of the judge-advocate and the court, by the president of the court, and paid by the state treasurer, on the auditor's warrant, to the judge-advocate, who shall pay all expenses of the trial, when received by him.

Organisation of court-martial.

Power to compel witnesses.

Sentences of courts-martial.

SEC. 34. The sentences of courts-martial shall be approved or disapproved by the commander-in-chief, who may mitigate or remit any punishment awarded by sentence of court-martial, when such sentence shall have been approved by the brigade commander. The record of all the proceedings and the sentence of a court-martial in every case, with the order approving or disapproving it, shall be deposited in the office of the adjutant-general.

Military commission.

SEC. 35. Every brigade and regimental commander in the Iowa national guard is hereby authorized to appoint a military board or commission, of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualifications, propriety of conduct and efficiency of any commissioned officer in his command, who may be reported to the board of commission; and upon the report of said board, if adverse to such officer, and if approved by the commander-in-chief, the commission of such officer shall be vacated: *Provided, always*, that no officer shall be eligible to sit on such board whose rank or promotion would in any way be affected by the proceedings: and two members, at least, shall be of equal or superior rank with the officer examined; and if any officer shall refuse to report himself, when directed, before such board, the commander-in-chief may, upon the report of such refusal by his commander, declare his commission vacated.

Unlawful for other than regularly organized militia to organize.

SEC. 36. It shall not be lawful for any body of men whatever, other than the regularly organized volunteer militia of this state and the troops of the United States, to associate themselves together as a military company or organization, or to drill or

parade within the limits of this state without the license of the governor thereof, which license may at any time be revoked: *Provided*, that nothing herein contained shall be so construed as to prevent social or benevolent organizations from wearing swords.

Does not affect benevolent societies.

SEC. 37. Every soldier of the Iowa national guard shall provide and keep himself provided with a uniform, according to the rules and regulations prescribed by law, and subject to such restrictions, limitations and alterations as the commander-in-chief may direct.

To provide a uniform.

SEC. 38. In lieu of uniforms being furnished in kind by the state, there shall annually be paid to each soldier having complied with section 37, the sum of four dollars, to be paid under such provisions as the commander-in-chief may direct, unless a majority of the members of a company prefer to own their uniforms, in which case there shall be no payment to the members of said company as herein contemplated, but the said uniforms shall be the property of the members of said company respectively furnishing the same; but in no event shall the state be liable for the payment of any money in lieu of uniforms or for any purpose contemplated by this act, unless such payment can be made without exceeding the annual appropriation provided for by this act.

Appropriation for uniforms.

SEC. 39. In all other cases except those provided for in the preceding section, all uniforms and other military property shall belong to the state and be used for military purposes only; and each soldier, upon receiving a discharge or otherwise leaving the military service of the state, or upon demand of his commanding officer, shall forthwith surrender the said uniform, together with all other articles of military property that may be in his possession, to said commanding officer.

Uniforms belong to the state, when.

SEC. 40. There shall be allowed annually, for postage, stationery and office incidentals to each brigade headquarters, the sum of \$25; to each regimental headquarters the sum of \$25, and to each company headquarters the sum of \$10.

Postage, etc.

SEC. 41. There shall be allowed annually to each company for armory rent, fuel, lights, and like necessary expenses, the sum of \$50.

Armory rent, etc.

SEC. 42. Such clerical assistance shall be employed in the adjutant-general's office as shall, in the opinion of the governor, be actually necessary, and any person so employed shall receive, for the time they may be actually necessarily on duty, such compensation as the governor may prescribe.

Clerical assistance for adjutant-general.

SEC. 43. The commander-in-chief is authorized to make and publish regulations for the government of the Iowa national guard, in accordance with existing laws.

Regulations.

SEC. 44. Any soldier guilty of a military offense may be put and kept under guard by the commander of a company, regiment or brigade, for a time not extending beyond the term of service for which he is then ordered.

Military offenses punished.

Disbandment  
of companies.

SEC. 45. The commander-in-chief shall disband any company of the Iowa national guard when it shall fall below a proper standard of efficiency, and he may order special inspections with a view to disbandment. All companies not acceptably uniformed within four months after the passage of this act shall be considered below the proper standard of efficiency within the meaning of this section, and shall be disbanded. When any company shall be disbanded under the provisions of this section, its place in its regiment shall not be supplied by the acceptance of another company, nor shall any new company be accepted into the national guard until the first day of May, 1882, nor until authority for this purpose shall be given by the general assembly.

No new com-  
panies to be  
organized until  
May, 1882.

Construing the  
word "soldier."

SEC. 46. In this chapter the word "soldier" shall include musicians, and all persons in the volunteer or enrolled militia, except commissioned officers, and the word "company" shall include battery.

Medical staff.

SEC. 47. The medical staff of the Iowa national guard shall have charge of that branch of the service, under the supervision of the surgeon-general.

Surgeon may  
draw supplies.

SEC. 48. A surgeon in charge in the field or at a camp of instruction may draw, on requisition, such medical stores and supplies as in his judgment may be needed, and for which he shall account, on forms provided by the quartermaster-general.

Surgeon-gen-  
eral.

SEC. 49. The surgeon-general may prescribe the necessary forms and blanks for the work of his department, and all subordinate surgeons of the Iowa national guard will obey his orders, and report, as often as he may prescribe, the transactions of their department.

Time of officer  
and soldier not  
extended.

SEC. 50. Nothing in this act shall be construed to extend the time of any officer beyond the time for which he was elected, or that of any soldier beyond the time for which he was enlisted.

\$20,000 appro-  
priated annu-  
ally.

SEC. 51. There is hereby appropriated the sum of twenty thousand dollars per annum, or so much thereof as may be necessary, out of the state treasury not otherwise appropriated, for the purposes named in this act. "And all warrants against said appropriation necessary to carry out the provisions of this act shall be drawn by the auditor of state upon the state treasurer, upon the certificate of the adjutant-general, approved by the governor; and no indebtedness shall be created under the provisions of this act not covered by the appropriation herein made."

Repealing  
clause.

SEC. 52. Chapter 125, acts of the seventeenth general assembly, and all other acts or portions of acts in conflict herewith, are hereby repealed.

Publication.

SEC. 53. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Reg-



ister and the Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 20, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* March 24, and in the *Iowa State Leader* March 26, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 75.

### TO REGULATE SALE OF MEDICINES AND POISONS.

AN ACT to Regulate the Practice of Pharmacy, and the Sale of Medicines and Poisons. H. F. 92.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That from and after the passage of this act it shall be unlawful for any person, not a registered pharmacist within the meaning of this act, to conduct any pharmacy, drug store, apothecary shop or store for the purpose of retailing, compounding or dispensing medicines or poisons for medical use, except as hereinafter provided. Unlawful for other than registered pharmacist to sell.

SEC. 2. That it shall be unlawful for the proprietor of any store or pharmacy to allow any person except a registered pharmacist to compound or dispense the prescriptions of physicians, or to retail or dispense poisons for medical use, except as an aid to, and under the supervision of, a registered pharmacist. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine of not less than twenty-five dollars, nor more than one hundred dollars, for each and every such offense. Unlawful for other than a registered pharmacist to compound.

SEC. 3. The governor, with the advice of the executive council, shall appoint three persons from among the most competent pharmacists of the state, all of whom shall have been residents of the state for five years, and of at least five years' practical experience in their profession, who shall be known and styled as commissioners of pharmacy for the state of Iowa; one of whom shall hold his office for one year, one for two years, and the other for three years, and each until his successor shall be appointed and qualified; and each year thereafter another commissioner shall be so appointed for three years, and until a successor be appointed and qualified. If a vacancy occur in said commission, another shall be appointed, as aforesaid, to fill the unexpired term thereof. Said commissioners shall have power to make by-laws and all necessary regulations for the proper fulfillment of their duties under this act, without expense to the state. Appointment of commissioners of pharmacy, and term of office.   
 Vacancy, how filled.

Duties of commissioners.

SEC. 4. The commissioners of pharmacy shall register in a suitable book, a duplicate of which is to be kept in the secretary of state's office, the names and places of residence of all persons to whom they issue certificates, and dates thereof. It shall be the duty of said commissioners of pharmacy, to register, without examination as registered pharmacists, all pharmacists and druggists who are engaged in business in the state of Iowa, at the passage of this act, as owners or principals of stores or pharmacies for selling at retail, compounding or dispensing drugs, medicines or chemicals for medicinal use or for compounding and dispensing physicians' prescriptions; and all assistant pharmacists, eighteen years of age, engaged in said stores or pharmacies in the state of Iowa at the passage of this act, and who have been engaged as such in some store or pharmacy where physicians' prescriptions were compounded and dispensed, for not less than three years prior to the passage of this act: *Provided, however,* that in case of failure or neglect on the part of any such person or persons to apply for registration within sixty days after they shall have been notified, they shall undergo an examination such as is provided for in section five of this act.

Shall register without examination, when.

Proviso.

Shall apply within 60 days.

Examination of applicants.

SEC. 5. That the said commissioners of pharmacy shall, upon application, and at such time and place, and in such manner as they may determine, examine, either by a schedule of questions, to be answered and subscribed to under oath, or orally, each and every person who shall desire to conduct the business of selling at retail, compounding, or dispensing drugs, medicines or chemicals for medicinal use, or compounding or dispensing physicians' prescriptions as pharmacists, and if a majority of said commissioners shall be satisfied that said person is competent and fully qualified to conduct said business of compounding or dispensing drugs, medicines or chemicals for medicinal use, or to compound and dispense physicians' prescriptions, they shall enter the name of such person as a registered pharmacist in the book provided for in section 4 of this act; and that all graduates in pharmacy, having a diploma from an incorporated college or school of pharmacy that requires a practical experience in pharmacy of not less than four years before granting a diploma, shall be entitled to have their names registered as pharmacists by said commissioners of pharmacy without examination.

Rights of graduates in pharmacy.

Fee without examination.

SEC. 6. That the commissioners of pharmacy shall be entitled to demand and receive from each person whom they register and furnish a certificate as a registered pharmacist, without examination, the sum of two dollars; and from each and every person whom they examine orally, or whose answers to a schedule of questions are returned subscribed to under oath, the sum of five dollars, which shall be in full for all services. And in case the examination of said person shall prove defective and unsatisfactory, and his name not be registered, he shall be permitted to present himself for re-examination within any period not exceeding twelve months next thereafter, and no charge shall be made for such re-examination.

Fee, when examined.

Sec. 7. Every registered pharmacist shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturer, and also those known as "patent medicines"; and should he knowingly, intentionally and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty not exceeding one hundred dollars, and in addition thereto, his name be stricken from the register.

Responsibility  
of pharmacists.

Penalty for  
adulteration.

Sec. 8. Apothecaries registered as herein provided shall have the right to keep and sell, under such restrictions as herein provided, all medicines and poisons authorized by the National, American or United States dispensatory and pharmacopoea as of recognized medicinal utility: *Provided*, That nothing herein contained shall be construed so as to shield an apothecary or pharmacist who violates or in anywise abuses this trust for the legitimate and actual necessities of medicine, from the utmost rigor of the law relating to the sale of intoxicating liquors, and in addition thereto his name shall be stricken from the register.

Rights of regis-  
tered pharma-  
cists.

Proviso.

Sec. 9. It shall be unlawful for any person, from and after the passage of this act, to retail any poisons enumerated in schedules "A" and "B," except as follows:

Regulations as  
to the sale of  
poisons.

#### SCHEDULE A.

Arsenic, and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all other poisonous vegetables alkaloids, and their salts, essential oil of bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce.

#### SCHEDULE B.

Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, without distinctly labeling the box, vessel or paper in which the said poison is contained, and also the outside wrapper or cover, with the name of the article, the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poison enumerated in schedules "A" and "B" unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose. Nor shall it be lawful for any registered pharmacist to sell any poisons included in schedule "A" without, before delivering the same to the purchaser, causing an entry to be made, in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the

name of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser; such book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons, in not unusual quantities or doses, upon the prescriptions of practitioners of medicine. Nor shall it be lawful for any licensed or registered druggist or pharmacist to retail, or sell, or give away, any alcoholic liquors or compounds as a beverage, and any violations of the provisions of this section shall make the owner or principal of said store or pharmacy liable to a fine of not less than twenty-five dollars, and not more than one hundred dollars, to be collected in the usual manner; and, in addition thereto, for repeated violations of this section, his name shall be stricken from the register.

Does not apply to prescriptions.

Shall not retail liquor as a beverage.

\$100 license for traveling doctors.

Penalty for false representations.

Penalty for dispensing drugs without registering.

Exceptions.

Publication.

Repealing clause.

SEC. 10. Any itinerant vender of any drug, nostrum, ointment or appliance of any kind, intended for the treatment of diseases or injury, who shall, by writing or printing, or any other method, publicly profess to cure or treat diseases, or injury, or deformity, by any drug, nostrum, or manipulation, or other expedient, shall pay a license of one hundred dollars per annum, to be paid in the manner for obtaining peddler's license.

SEC. 11. That any person who shall procure, or attempt to procure, registration for himself or for another under this act, by making, or causing to be made, any false representations, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than one hundred dollars, and the name of the person so fraudulently registered shall be stricken from the register. Any person, not a registered pharmacist, as provided for in this act, who shall conduct a store, pharmacy, or place for retailing, compounding or dispensing drugs, medicines or chemicals, for medicinal use, or for compounding or dispensing physicians' prescriptions, or who shall take, use or exhibit the title of registered pharmacist, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a penalty of not less than fifty dollars.

SEC. 12. This act shall not apply to physicians putting up their own prescriptions, nor to the sale of proprietary medicines.

SEC. 13. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

SEC. 14. All acts and parts of acts in conflict with this act, are hereby repealed.

Approved, March 22, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 27, 1880, and in the *Iowa State Register*, March 31, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 76.

## TO PUNISH FRAUDS ON HOTEL KEEPERS, ETC.

AN ACT to Define and Punish Frauds upon Hotel, Inn, Boarding H. F. 106.  
and Eating-House Keepers.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That any person who shall obtain food, lodging, or other accommodation at any hotel, inn, boarding, or eating-house, with intent to defraud the owner or keeper thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days.

Obtaining food or lodging with intent to defraud, a misdemeanor.

SEC. 2. Proof that lodging, food, or other accommodation was obtained by false pretense, or by false or fictitious show or pretense of baggage, or that the party refused or neglected to pay for such food, lodging, or other accommodation on demand, or that he absconded or left the premises without paying or offering to pay for such food, lodging, or other accommodation, or that he surreptitiously removed, or attempted to remove his baggage, shall be *prima facie* proof of the fraudulent intent mentioned in section 1 of this act; but this act shall not apply to regular boarders, nor when there has been an agreement for delay in payment.

Refusal or neglect to pay is *prima facie* evidence of fraud.

Approved, March 22, 1880.

## CHAPTER 77.

## RELATIVE TO JURY TRIALS.

AN ACT in Relation to Jury Trial in Cases for Violation of Ordinances of Cities of Second Class and Incorporated Towns. H. F. 189.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. On an information for a violation of an ordinance of an incorporated town or city of the second class, the defendant shall not be entitled to a trial by jury, but shall be tried by the court without a jury except on appeal. All acts or parts of acts inconsistent with this are hereby repealed.

Defendant not entitled to a trial by jury for a violation of ordinance.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 22, 1880.

I hereby certify that the foregoing act was published in the Iowa State Register, March 25, and in the Iowa State Leader, March 29, 1880.

J. A. T. HULL, Secretary of State.

## CHAPTER 78

### BOYS' REFORM SCHOOL.

H. F. 212.

AN ACT Making Appropriations for the Boys' Reform School at Eldora.

*Be it enacted by the General Assembly of the State of Iowa:*

\$16,962 appropriated for building, etc.

SECTION 1. That there is hereby appropriated out of any money in the treasury not otherwise appropriated for the Boys' Reform School at Eldora, Iowa, the following sums for the purposes herein named, to-wit:

For finishing basement and first story and three rooms on second floor of main building, seven thousand dollars (\$7,000).

For steam heating apparatus, boilers and engine-house, four thousand five hundred dollars (\$4,500).

For water supply, one thousand two hundred and fifty dollars (\$1,250).

For repairs and contingencies, two thousand dollars (\$2,000).

For library, three hundred dollars (\$300).

For tools, three hundred and twelve dollars (\$312).

For taking down tower and finishing, one thousand six hundred dollars (\$1,600).

How drawn.

SEC. 2. The money herein appropriated shall be drawn and paid on the order of the trustees of said institution at such times as may be deemed necessary by said trustees: *Provided*, That the amounts herein specified are inclusive of the amounts now in the hands of the treasurer of the institution for repairs and for water supply; and, *Provided further*, That not more than one-half the amount appropriated be drawn during the year 1880.

Proviso.

SEC. 3. The superintendent is hereby required to utilize the labor of the boys in said institution in taking down tower, and for purposes of construction so far as is practicable.

Labor of the boys to be utilized.

Publication.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in

the Iowa State Register and the Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 22, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 25, and in the *Iowa State Leader*, March 29, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 79.

### INCORPORATED TOWNS.

AN ACT to Amend Section 421, Chapter ten (10), Title four (4), of the H. F. 373. Code of 1873, relative to Incorporated Towns.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 421 of the Code of 1873, be and the same is hereby amended, by striking the word "thirty" out of the fourth line of said section, and inserting in lieu thereof the word "twenty-five." Code, § 421 amended: 25 inhabitants may petition.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 22, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 25, and in the *Iowa State Leader*, March 29, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 80.

### AUTHORIZING USE OF CERTAIN PUBLIC GROUNDS FOR SCHOOL PURPOSES.

AN ACT to Empower Certain Special Chartered Cities to Use for H. F. 576. School Purposes, Public Grounds unused for the purposes for which such grounds were originally dedicated or set apart.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all special chartered cities or towns, having a population not exceeding five thousand inhabitants, situated on the Mississippi or Missouri rivers, having within their limits public grounds heretofore set apart or dedicated for levee or warehouse purposes, and in which the use of such grounds for When use of levees or warehouse grounds has ceased, such grounds may be used for school purposes.

such purposes has ceased or been abandoned, may use such grounds for school purposes, and the city council or other governing body of such city or town may authorize the use of such grounds by any school district on such terms and conditions as said council or governing body may determine.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 22, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 25, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 81.

### CEDAR RAPIDS LEGALIZED.

H. F. 566.

AN ACT to Legalize the Annexation of Certain Territory to the City of Cedar Rapids, in Linn County, State of Iowa, under the provisions of Chapter 51, Title 9, of the Revision of 1860.

Preamble.

WHEREAS, The circuit court of the county of Linn, state of Iowa, under the provisions of chapter fifty-one, title 9 of the Revision of 1860, on January twenty-seventh, 1870, on a petition before that day filed, ordered that all the territory in said petition particularly described might be annexed to the city of Cedar Rapids, in said county;

Annexation of territory.

Questions submitted without waiting two months.

WHEREAS, Without waiting the two months as provided in said chapter, the proper authority of said city of Cedar Rapids did provide, by an ordinance passed February twenty-first, 1870, for the submission to the electors of said city of the question whether such proposed annexation should be made at a general election of said city, held March seventh, 1870, at which election a majority of said electors was voted in favor of said annexation;

Said territory declared annexed.

WHEREAS, March twenty-fifth, 1870, in pursuance of said vote, the proper authority of said city did pass an ordinance declaring that said territory had been annexed, and since said date said territory has in all respects been treated and considered a part of said city;

WHEREAS, Doubts have arisen as to the legality of the said annexation and the operation of the ordinances of said city, since passed, over the said annexed territory, and the city taxes levied thereon; therefore,



*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the annexation of certain territory to the city of Cedar Rapids, done under an order of the circuit court of Linn county, state of Iowa, entered of record January twenty-seven, 1870, upon a petition previously filed in said court, wherein said territory is particularly described, be and the same is hereby legalized and confirmed to the same extent and with the same force and effect as if two months had elapsed after the date of said order of court, before any proceedings by the lawful authority of said city were had thereunder, and that all the acts and ordinances of the common council of said city in any manner relating to or affecting said annexed territory, be and the same are hereby made legal to the same extent as if the law relating to the annexation of said territory had been fully complied with. Legalising clause.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Cedar Rapids Times, a newspaper published at Cedar Rapids, Iowa, without expense to the state. Publication.

Approved, March 22, 1880.

I hereby certify that the foregoing act was published in the *Cedar Rapids Times*, April 1, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 82.

### INTOXICATING LIQUORS ON ELECTION DAY.

AN ACT to Prohibit the Furnishing, or Giving, or Offering to Give, Intoxicating Liquors, Including Ale, Wine, and Beer, to voters at or within One Mile of the Polls on Election Day. Sub. S. F. 30.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That it shall be unlawful for any person to furnish or give, or offer to give, any intoxicating liquors including ale, wine and beer, to voters at or within one mile of the polls, during the day upon which any election is held in this state, prior to the closing of the polls. Unlawful to give or offer any intoxicating liquor within one mile of where an election is held

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, nor less than five dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court, and in case of fine he shall stand committed until the same be paid. Penalty for violating provisions of this act.

Approved, March 22, 1880.

## CHAPTER 83.

## OF TRIAL AND APPEAL.

S. F. 71. AN ACT to Amend Section No. 2741 of the Code, in Relation to the Trial and Appeal of Ordinary Actions.

*Be it enacted by the General Assembly of the State of Iowa:*

Code, § 2741 repealed and substitute enacted.

On oral evidence.

Appeal to supreme court.

Publication.

SECTION 1. Section 2741 of the Code, is hereby repealed, and the following enacted in lieu thereof:

SEC. 2741. All issues of fact in ordinary actions shall be tried upon oral evidence taken in open court, except that depositions may be used as now provided by law; and, upon appeal, no evidence shall go to the supreme court except such as may be necessary to explain any exception taken in the cause, and such court shall hear and try the case only on the legal errors so presented.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 22, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 25, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 84.

## MEETINGS OF SCHOOL DISTRICTS.

S. F. 85. AN ACT to Amend Chapter 9, Title XII, of the Code of 1873, by Addition Thereto, Providing for Calling, in Certain Contingencies, Meetings of School Districts.

*Be it enacted by the General Assembly of the State of Iowa:*

Code, title XII, Chap. 9, amended.

When district deprived of school building by fire or otherwise, board shall call a meeting.

SEC. 1. That chapter 9 of title XII of the Code of 1873, be and the same is hereby amended by adding thereto, after section 1717, the following, to-wit:

SEC. 1717½. When a school district, by fire or otherwise, has been deprived of a school building, and the board of directors of such district, by the use of the powers in them vested, are unable to provide for the continuance of the school therein;

then such board of directors shall call a meeting of such district. The manner of calling such meeting, and the powers of such meetings, shall be as follows:

1st. The board of directors shall cause to be posted in three public places in such district, at least ten days prior to the designated time of holding such meeting, written notices of such meeting, in which shall be stated the time and place of such meetings and the object or purpose for which same is called. Manner of calling such meeting.

2d. The powers of such meeting shall be the same as is prescribed in section 1717 hereof, except those powers which are set forth in paragraph two, after the word "applied" in the fourth line thereof, and in paragraph three after the word "district" in the fifth line thereof. Power of such meeting.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the State Journal. Publication.

Approved, March 22, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *State Journal*, March 25, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 85.

### CONSTRUCTION OF DRAINS THROUGH TWO OR MORE COUNTIES.

AN ACT to Amend Chapter 121, Acts of Seventeenth General Assembly, Section 1212, Code of 1873, Relating to Drains in Two or More Counties. S. F. 131.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That chapter 121 of the acts of the seventeenth general assembly be amended by adding thereto the following sections: Chap. 121 of 17th G. A. amended.

SEC. 2. That said commissioners shall appoint a competent engineer, who shall have charge of the construction of said ditch, drain, or change in said water-course. Commissioners shall appoint an engineer.

SEC. 3. That said commission shall continue until the drain or ditch is fully completed. They shall, in connection with the engineer in charge, proceed to make a survey of the proposed ditch, drain, or change of water-course, and return a plat and profile of the same to the county auditor of each county through which the same may pass. Such return shall set forth a full and detailed description of the proposed improvement, its availability, necessity, and probable cost, with a description of each tract of land owned by different persons through which the pro- Commission shall continue until drain is completed, and with engineer make survey and return plat to county auditor. Return shall show.

Duty of county auditor and supervisors of each county.

posed improvement is to be located, or which may be benefited by reason of its construction, how it will be affected thereby, and its situation and level as compared with that of adjoining lands, together with such facts as they may deem material. The county auditor and the board of supervisors of each county shall then proceed in the same manner as though the ditch or drain was all located in one county, as provided by sections 1208, 1209, Code of 1873.

Person aggrieved shall have right of appeal.

SEC. 4. That any person aggrieved by the action of the board of supervisors of any county in locating said ditch or drain, or in fixing the number of acres of land benefited by reason of the construction of such ditch or drain, shall have the right of appeal to the circuit court of the county in which such person's land may be situated, by serving notice thereof to the first four petitioners within twenty days after such action of the board of supervisors.

Land to be proportionately taxed.

SEC. 5. That when a ditch or drain has been located in two or more counties the land benefited by the ditch or drain shall be proportionally taxed, as provided in section 1214, Code of 1873, the same as though the drain and land were all in one county.

Boards of supervisors to confer together and transfer excess in one county to make up deficit in another.

SEC. 6. That when a greater amount of money is collected by the county treasurer of a county through which such ditch or drain may pass than is needed to pay for the work actually done in that county, and if in any county there should be more work done than the equitable tax in that county will pay for, then the boards of supervisors of the several counties shall confer together and ascertain where the excess and deficiency exist, and the county where the excess exists shall transfer the excess to the county or counties where the deficit exists.

May make an additional levy.

SEC. 7. That if the levy first made by the several boards of supervisors should be insufficient to pay for the construction of the ditch or drain, then the several boards may make an additional levy in the same ratio as the first was made.

Code, § 1212 amended, making engineer furnish contractors monthly estimates and requiring county auditor to draw warrant for eighty per cent.

SEC. 8. That section 1212, Code of 1873, be amended by striking out the following words, commencing after the word "letting" in seventh line: "shall, on completion thereof to the satisfaction of the county supervisors, be paid for such work out of the county treasury, upon the order of the county auditor," and that the following be inserted in lieu thereof: "shall be paid in the following manner: That the engineer in charge of the construction of the ditch or drain shall furnish the contractors monthly estimates of the amount of work done on each section; that upon the filing of such estimates with the county auditor, the auditor shall draw a warrant in favor of the contractor for eighty per cent of the value of the work done, according to the estimate; and when said ditch or drain is completed to the satisfaction of the engineer in charge, and when he so certifies the same to the county auditor, then the auditor shall draw a warrant in favor of said contractor upon the 'drainage fund' for the balance due the contractor.

When completed.

SEC. 9. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Iowa State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved, March 22, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* March 26, and in the *Iowa State Leader* March 31, 1880.  
J. A. T. HULL, *Secretary of State*.

## CHAPTER 86.

### TO PAY CERTAIN COMPANIES FOR SERVICE IN PREVENTING RIOT IN 1877.

AN ACT to Provide for the Payment of Certain Companies of the State Militia for Services Rendered in Preventing Anticipated Riots in the Year 1877. S. F. 269.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That there is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of nine hundred and thirty-one dollars and sixty-four cents, to defray the expenses incurred by reason of the threatened riots during the year 1877, as specified in the following sections: \$381.64 appropriated.

SEC. 2. To company D, fifth regiment Iowa national guards, one hundred and seventy-two and thirty-five one-hundredths dollars. To company D,  
5th reg't, \$72.35

SEC. 3. To company A, fifth regiment Iowa national guards, one hundred and sixty-six and eighty one-hundredths dollars. To company A,  
5th reg't,  
\$166.80.

SEC. 4. To company B, seventh regiment Iowa national guards, one hundred and fifteen and twenty one-hundredths dollars. To company B,  
7th reg't,  
\$115.20.

SEC. 5. To company I, fourth regiment Iowa national guards, one hundred and sixty-six and eighty one-hundredths dollars. To company I,  
4th reg't,  
\$166.80.

SEC. 6. To company D, fourth regiment Iowa national guards, one hundred and fifty-seven and forty one-hundredths dollars. To company D,  
4th reg't,  
\$157.40.

SEC. 7. To battery C, first regiment Iowa national guards, one hundred and fifty-three dollars and nine cents. To battery C,  
\$153.09.

SEC. 8. The rates and conditions of payment shall be the same as provided in sections 1 and 2, chapter 147, laws of the seventeenth general assembly. How drawn.

Approved, March 22, 1880.

## CHAPTER 87.

## INCORPORATION OF HOPKINTON LEGALIZED.

S. F. 293. AN ACT to Legalize the Incorporation of the Town of Hopkinton, Delaware County, Iowa.

## Preamble.

Papers not filed  
with recorder  
and secretary of  
state.

WHEREAS, In March, 1874, all the steps necessary for the incorporation of the town of Hopkinton, Delaware county, Iowa, were taken, except the filing of the papers with the recorder and secretary of state, as required by section 423, of the Code; and,

WHEREAS, Said town elected officers, passed ordinances, and did all the acts pertaining to the organization and government of incorporated towns under the belief that said town had been duly incorporated; and,

WHEREAS, Since said time all the necessary steps have been taken and said town has been incorporated in accordance with law; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing  
clause.

SECTION 1. That all acts done by the officers of said town and all the ordinances passed by the said town of Hopkinton, be and the same are hereby legalized and binding as fully to all intents and purposes, as though said town had been duly incorporated on March 4, 1874.

## Publication.

SEC. 2. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register, a newspaper published at Des Moines, and the Delhi Monitor, a newspaper published at Delhi, Iowa, said publication to be without expense to the state.

Approved, March 22, 1880.

I hereby certify that the foregoing act was published in the *Delhi Monitor*, April 1, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER. 88.

## TO AUTHORIZE USE OF SURPLUS BRIDGE FUND ON HIGHWAYS.

AN ACT to Give County Boards of Supervisors the Right to Improve the Highways in Certain Cases. H. F. 84.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That whenever any county in the state is free from debt, and has a surplus in its bridge fund, after providing for the necessary repairs of bridges in said county, then the board of supervisors of such county may, out of such surplus, make improvements on the highways upon the petition of one-third of the resident freeholders of any township in said county; but in no case shall they be authorized to run the county in debt for such improvements of the highways, and whenever they shall make such improvements they shall let the work by contract to the lowest responsible bidder, after having advertised for proposals in some newspaper printed in the county, for not less than fourteen days previous to the letting of said contract.

On petition of one-third resident freeholders, board may use surplus bridge funds on highways.

Shall not run county in debt.

Let work to lowest bidder.

Approved, March 23, 1880.

## CHAPTER 89.

## TO AUTHORIZE CITIES TO ACQUIRE AND DISPOSE OF REAL PROPERTY.

AN ACT to Authorize Cities of the First and Second Class to Acquire and Dispose of Real Property in Certain Cases. H. F. 216.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That any city of the first or second class, organized under the general laws of this state, shall have power to acquire real estate, or an interest therein as a purchaser at an execution sale where such city is the plaintiff in execution, or otherwise interested in the proceeding, and to dispose of the property or interest therein, so acquired, and also to dispose of any real estate, or interest therein including any streets or portion thereof vacated or discontinued however acquired, or held by such city in such manner and upon such terms as the city council shall deem just and proper.

Where city is plaintiff in execution, may acquire real estate and dispose of the property.

Including vacated streets and alleys.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Reg-

Publication.

ister, a newspaper published at Des Moines, Iowa, and in the Burlington Hawk-Eye, a newspaper published at Burlington, Iowa.

Approved, March 23, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 25, and in the *Burlington Hawk-Eye*, March 26, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 90.

### TOWN OF UNION LEGALIZED.

H. F. 829. AN ACT to Legalize the Incorporation of the Town of Union, in Hardin county, Iowa.

Preamble. WHEREAS, Proceedings were had in the year 1874 for the incorporation of the town of Union, in Hardin county, Iowa, and officers were elected therefor, and said town has since exercised and is still exercising the powers of an incorporated town; and,

WHEREAS, Doubts have been expressed as to the legality of the incorporation of said town; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalising clause.

SECTION 1. That all acts and proceedings had in relation to the incorporation of said town of Union, and all elections and acts of officers and all proceedings of the authorities of said town of Union, are hereby legalized and declared to be of as full force and virtue as if all the requirements of the law in relation to incorporation and election had been fully complied with, and the incorporation of said town, and all ordinances, resolutions, levies, taxes, and orders thereof are hereby legalized, and shall be of the same validity as if all the proceedings in the incorporation, and all elections had been in due form of law, and in full compliance therewith.

Incorporation, ordinances, etc., legalized.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the *Iowa State Register*, a newspaper published at Des Moines, Iowa, and in the *Union Star*, a newspaper published at Union, Iowa, without expense to the state.

Approved, March 23, 1880.

I hereby certify that the foregoing act was published in the *Union Star*, and in the *Iowa State Register*, March 26, 1880.

J. A. T. HULL, *Secretary of State*.



## CHAPTER 91.

## HOSPITAL FOR THE INSANE AT MT. PLEASANT.

AN ACT Making Appropriations for the Iowa Hospital for the Insane at Mt. Pleasant. H. F. 397.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That there is hereby appropriated out of any money in the treasury not otherwise appropriated, for the hospital for the insane at Mt. Pleasant, the following sums for the purposes herein named, viz.:

For completing sub-basement, five thousand dollars (\$5,000).	\$5,000 for sub-basement.
For blacksmith shop, five hundred dollars (\$500).	\$500 for blacksmith shop.
For smoke and meat house, one thousand five hundred dollars, (\$1,500).	\$1,500 for meat house.
For enlargement of filter and repair of reservoirs, two thousand five hundred dollars (\$2,500).	\$2,500 for reservoirs.
For division of airing courts and partitions, six hundred dollars (\$600).	\$600 for partitions.
For water-closets, for dormitories and airing courts, six hundred dollars (\$600).	\$600 for water-closets, etc.
For drying rooms in basement, four hundred dollars (\$400).	\$400 for drying rooms.
For hose and couplings, four hundred dollars (\$400).	\$400 for hose and couplings.
For wire mattresses and iron bedsteads, five hundred dollars (\$500).	\$500 for wire mattresses, etc.
For general repairs and contingent fund, five thousand dollars (\$5,000).	\$5,000 for general repairs.

SEC. 2. The money herein appropriated shall be drawn and paid on the order of the trustees of said hospital, at such times as may be deemed necessary by said trustees: *Provided*, That the amount herein appropriated for general repairs, contingencies and for completing sub-basement and other appropriations, shall not be drawn except as the causes arise or work progresses requiring the expenditure: *Provided*, That not to exceed one-half of the amount hereby appropriated shall be drawn during the year 1880.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Mt. Pleasant Journal, a newspaper published at Mt. Pleasant, Iowa.

Approved, March 23, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 23, and in the *Mount Pleasant Journal*, April 1, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 92.

## RELATIVE TO FISH.

H. F. 446.

AN ACT to Amend Section 10, Chapter 70, Acts of the Sixteenth General Assembly, "Relating to the Propagation of Fish."

*Be it enacted by the General Assembly of the State of Iowa:*

§10, chapter 70 of  
16th G. A.  
amended so as  
to except Des  
Moines river  
where it is  
boundary line  
of Iowa and  
Missouri.

SECTION 1. That section 10, chapter 70, acts of the sixteenth general assembly, be and the same is hereby amended, by adding thereto at the end of said section, the words, "nor in so much of the Des Moines river as forms the boundary between the states of Iowa and Missouri."

Approved, March 23, 1880.

## CHAPTER 93.

## DEAF AND DUMB.

S. F. 243.

AN ACT Making Appropriations for the Iowa Institution for the Deaf and Dumb at Council Bluffs.

*Be it enacted by the General Assembly of the State of Iowa:*

\$27,539.00 ap-  
propriated.

SECTION 1. That there is hereby appropriated out of any money in the treasury not otherwise appropriated, for the institution for the deaf and dumb, the following sums for the purposes herein named, viz.:

For the erection and completion of the east wing of the building of said institution.....	\$ 19,322.92
In addition to the undrawn appropriation for the last biennial period of.....	5,677.08
Making a total appropriation for building the east wing of.....	25,000.00
For changing pumps.....	689.00
For building sewer.....	600.00
For range, and improving grounds.....	550.00
For printing-office outfit.....	1,000.00

Proviso.

*Provided,* That not more than the undrawn appropriation of \$5,677.08, shall be drawn for the building of the east wing during the year 1880.

SEC. 2. The superintendent is hereby required to utilize the labor of the boys in erecting said wing, building sewer, and for other purposes in and around the grounds of said institution, so far as is practicable. Labor of the boys to be utilized.

SEC. 3. The money herein appropriated shall be drawn and paid on the order of the trustees of said institution, at such times as may be deemed necessary by said trustees: *Provided*, Money how drawn. That any money remaining unexpended after completion of the improvement for which the same is herein appropriated may be used as far as necessary for any of the purposes specified in this act, subject to the approval of the executive council. Proviso.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published in Des Moines, and the Council Bluffs Daily Nonpareil, a newspaper published in Council Bluffs. Publication.

Approved, March 23, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Council Bluffs Daily Nonpareil*, March 26, 1880.  
J. A. T. HULL, *Secretary of State*.

## CHAPTER 94.

### ORDINANCES OF HOPKINTON LEGALIZED.

AN ACT to Legalize Certain Ordinances of the Town of Hopkinton, S. F. 294.  
Delaware County, Iowa.

WHEREAS, Certain ordinances of the town of Hopkinton, Delaware county, Iowa, were not signed by the mayor of the said town, who was in office at the time same were enacted by the council, but same were signed a short time thereafter, by the mayor's successor in office; and, Preamble.

WHEREAS, Said ordinances have been enforced and the said town is now being governed by the same; and, Not signed by mayor.

WHEREAS, Doubts have arisen as to the legality of said ordinances; therefore, Been enforced.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all the said ordinances of the town of Hopkinton, Delaware county, Iowa, be and the same are hereby legalized as fully and completely as though the same had been signed by the mayor in office at the time said ordinances were enacted. Legalized.

Approved, March 23, 1880.

## CHAPTER 95.

## AUTHORIZING PATENT TO ISSUE FOR LOT 5, BLOCK 23, IOWA CITY.

S. F. 214. AN ACT Authorizing the Register of the Land Office to Issue a Patent for Lot 5, in Block 23, Iowa City, Iowa.

## Preamble.

Certain land sold to aid in construction of a state house.

Lot 5 was so sold but not patented.

WHEREAS, In the year 1839, a certain tract of land known as section (10) ten, township (79) seventy-nine, range (6) six, west of the 5th principal meridian, was surveyed and duly platted into lots, sold, or a part thereof, for the purpose of aiding in the construction of a state house in what is now known as Iowa City, Iowa; and,

WHEREAS, In the sale book of Iowa City lots, it appears, among others, that lot 5, in block 23, of Iowa City, and being a part of the original plat of lots so sold for the purposes aforesaid; said lot 5, block 23, was sold to David Switzer, who paid the purchase price or one hundred dollars for the same, but there is nothing showing in the books of the register of the land office that said lot was patented or a certificate therefor, though full payment was made; and,

WHEREAS, The said lot has been deeded to one N. K. [R.] Leonard, who is, and has been for several years last past, the owner and occupant of the same; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Instructing register of state land office to issue patent.

SECTION 1. That J. K. Powers, the register of the land office, is hereby authorized and instructed to issue to said David Switzer, the original purchaser of said lot, a patent for lot (5) five, in block (23) twenty-three, of the original plat of Iowa City, as platted and recorded in the office of the register of the state land office, to enable the present owner thereof, N. K. [R.] Leonard, to perfect his title to said lot.

Approved, March 23, 1880.

## CHAPTER 96.

## RAILWAYS IN CITIES AND TOWNS.

AN ACT to Make Section 464 of the Code of 1873, as Amended, Applicable to Special Chartered Cities and Towns. H. F. 577.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 464 of the Code of 1873, as amended by chapter six of the public laws of the fifteenth general assembly, shall be applicable to cities and towns organized and acting under special charters, and such cities and towns shall have all the powers conferred by said section on cities and towns incorporated under the general incorporation law. Making Code, § 464 as amended by Chap. 6 of 15th G. A. applicable to cities and towns under special charters.

Approved, March 23, 1880.

## CHAPTER 97.

## INDEPENDENT SCHOOL DISTRICT OF RED ROCK LEGALIZED.

AN ACT Legalizing the Organization of the Independent School District of Red Rock, Red Rock Township, Marion county, Iowa, and Establishing the Boundaries Thereof. H. F. 584.

WHEREAS, Upon the third day of May, 1873, at a special meeting of the board of directors of the district township of Red Rock, Marion county, Iowa, the said board of directors formed subdistrict No. — into the independent district of Red Rock, in accordance with petitions filed, asking for the same; Preamble.

WHEREAS, The boundaries so established for the independent district of Red Rock included the following territory, to-wit: Sections 35 and 36, township 77, range 20, west; west half south-west quarter section 31, township 77, range 19, west; west quarter north-west quarter section 31, township 77, range 19, west; all of section 1 north side of Des Moines river, township 76, range 20, west; west half north-west quarter section 6, township 76, range 19, west; north half section 2, township 76, range 20, west; Boundaries of independent district.

WHEREAS, At the time the said board of directors of the district township of Red Rock established said independent district of Red Rock, the said board of directors had no authority under the law to establish independent districts without submitting the same to a vote of the electors thereof; Board had no authority.

Acted as an independent district.

WHEREAS, Said independent district has, since said date, assumed liabilities and exercised all the functions of an independent school district;

Records lost.

WHEREAS, The record of said meeting of the board of directors of the said district township *have* [has] been lost or misplaced, and the boundaries of said independent district have never been platted or recorded;

WHEREAS, Doubts have arisen as to the legality of the organization of said independent district of Red Rock and as to the exact territory embraced therein; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing clause.

SECTION 1. That all acts of the board of directors of the district township of Red Rock, Marion county, Iowa, in establishing the independent district of Red Rock, and establishing the boundaries of the same, and the acts of the board of directors of the independent district of Red Rock, be and the same are hereby legalized and established, the same as though the law had been strictly complied with.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published in Des Moines, Iowa, and the Knoxville Journal, a newspaper published at Knoxville, Marion county, Iowa, without expense to the state.

Approved, March 23, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 1, 1880, and in the *Knoxville Journal*, March 31, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 98.

### TOWN OF SIBLEY LEGALIZED.

H. F. 517.

AN ACT to Legalize the Incorporation and the Official Proceedings of the Town of Sibley, in the county of Osceola, in the State of Iowa.

Preamble.

WHEREAS, The town of Sibley, in the county of Osceola, and State of Iowa, was incorporated under the provisions of the laws of the Code of 1873, and of the laws amendatory thereof, in the year 1876, and has transacted business since then as a duly incorporated town; and,

Record does not show that all judges were sworn.

WHEREAS, Doubt exists as to the legality of said incorporation, and the official acts of the council and officers of said town in consequence of it not appearing of record that all the judges of election were duly sworn, and that two of the commissioners ap-

pointed by the court were absent, and their places were filled by appointment by the remaining commissioners; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the incorporation of the town of Sibley, in the county of Osceola, and State of Iowa, and all the ordinances of said incorporation, and all the official acts of the council and the officers of said incorporation, be and the same are hereby legalized and made valid, the same as though said judges had been duly sworn and all of said commissioners duly appointed according to law. Legalizing clause.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after the publication in the Iowa State Register, a newspaper published in Des Moines, Iowa, and in the Sibley Gazette, a newspaper published in Sibley, Iowa, without expense to the state. Publication.

Approved, March 23, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 13, 1880, and in the *Sibley Gazette*, April 16, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 99.

### ORDINANCES OF STATE CENTER LEGALIZED.

AN ACT to legalize the Ordinances of the Incorporated town of State Center, Marshall County, Iowa. H. F. 516.

WHEREAS, The incorporated town of State Center, Marshall county, Iowa, during the year 1879, passed certain ordinances on the suspension of the rule requiring the ordinances to be read on three different days by a less majority than is required by section 489 of the Code; and, Preamble.

WHEREAS, Doubts have arisen as to the validity of such ordinances; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all ordinances of the incorporated town of State Center, Marshall county, Iowa, passed during the year of 1879, upon a suspension of the rule requiring said ordinances to be read on three different days without a three-fourth majority vote of the trustees as provided by section 489 of the Code, be and the same are hereby declared to be valid, and in force to all intents and purposes as if said ordinances had been passed in strict compliance with the requirements of section 489 of the Code. Legalizing clause.  
Rule suspended without a three-quarter vote.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall be in full force and effect from and after its publication in the Iowa Daily State Register, of Des Moines, and the State Center Enterprise, of State Center, Iowa, without expense to the state. Approved, March 23, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 27, 1880, and *State Center Enterprise*, April 9, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 100.

### STATE FISH HATCHERY.

H. F. 461.

AN ACT Providing for an Appropriation for the State Fish Hatchery, at Anamosa.

*Be it enacted by the General Assembly of the State of Iowa:*

\$5,000 appropriated for care and propagation of fish and especially the German carp.

SECTION 1. That for the purpose of continuing the work of the state fish commission, as provided for by the laws of the sixteenth and seventeenth general assemblies, and especially to provide for the distribution of the salmon trout, brook trout, landlocked salmon, and other fish now on hand and being propagated at the state hatching house; to continue the distribution of native fish as heretofore by said fish commission; also, to provide for the care, propagation, and distribution of German carp, proposed to be donated for that purpose by the United States fish commission, to the state of Iowa, and such other work as may be deemed by the governor and state fish commissioner of importance in introducing varieties of valuable fish into the waters of the state, there is hereby appropriated out of any money belonging to the state, five thousand dollars (\$5,000) or so much thereof as may be necessary for the purposes named in this bill; *Provided*, That the said amount be under the control of, and audited by the executive council.

Proviso.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 23, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 26, 1880.

J. A. T. HULL, *Secretary of State*.



## CHAPTER 101.

## ADDITIONAL PENITENTIARY.

AN ACT Making Appropriations for the Additional Penitentiary at H. F. 449.  
Anamosa.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That there be and hereby is appropriated out of any moneys in the state treasury, not otherwise appropriated, for the additional penitentiary at Anamosa, or so much thereof as may be necessary for the several objects hereinafter named, to-wit:

For extension of railroad track on prison grounds, one thousand eight hundred dollars (\$1,800). \$1,800 for R. R. track.

For the completion of the south cell-house, and for the erection of a chimney-stack, ten thousand dollars (\$10,000). \$10,000 for south cell-house.

For constructing sewer, five thousand dollars (\$5,000). \$5,000 for sewer.

For slate roof on engine house, four hundred and sixty dollars (\$460). \$460 for slate roof.

For steam heating apparatus for new cell-house, five thousand five hundred dollars (\$5,500). \$5,000 for heating.

For material for constructing five new hand cars, one hundred dollars (\$100). \$100 for hand cars.

For transportation of discharged convicts, one thousand dollars (\$1,000). \$1,000 for discharged convicts.

For rewards offered for escaped prisoners, five hundred dollars (\$500). \$500 for rewards.

For furnishing warden's house, two hundred and fifty dollars (\$250). \$250 for warden's house.

For work on wall, fifteen thousand dollars (\$15,000). \$15,000 for wall.

*Provided*, That the warden is hereby required to utilize the labor of the convicts in the construction of said sewer so far as is practicable. Provided: convict labor to be utilized.

SEC. 2. The money hereby appropriated shall be expended under the direction of the warden, and in accordance with plans submitted to, and approved by, the executive council: *Provided*, That after the work on any of the specified items is completed, any remaining balance of money unexpended on such items may be applied to work on the wall, provided the executive council shall so direct: *and Provided, further*, That no portion of the fund appropriated for the transportation of convicts or for rewards offered for escaped prisoners shall be used for any other purposes: *and Provided*, That not more than one-half the amount appropriated shall be drawn during the year 1880. How drawn.

*Provided*, surplus may be applied to wall. Provided: surplus may be applied to wall.

Transportation and reward funds shall not be used for other purposes. Transportation and reward funds shall not be used for other purposes.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force after its publication in the Iowa State Publication.

Register and Iowa State Journal, newspapers published in Des Moines, Iowa.

Approved, March 23, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 26, and in the *State Journal*, April 1, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 102.

### STAR COAL COMPANY LEGALIZED.

H. F. 464. AN ACT to Legalize the Incorporation of the Star Coal Company, in Linn County, Iowa.

Preamble.

WHEREAS, H. A. Foster, Samuel Gillfooy and six others, did, on the first day of August, A. D. 1879, adopt and sign articles of incorporation for, and thereby organized, the Star Coal Company, which said articles of incorporation were, by the signers thereof, duly acknowledged, and on September 12th, A. D. 1879, recorded in the office of the recorder of deeds of Linn county, Iowa, where the principal place of business of said corporation is, and were also recorded in the office of the secretary of state, as provided by law, on September 22d, A. D. 1879; and,

Notice not published.

WHEREAS, By an oversight, the notice required by law to be published, was not published until during the four weeks commencing February 19, A. D. 1880; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalized.

SECTION 1. That the incorporation of the said Star Coal Company be and the same is hereby fully legalized, as are also all the acts and proceedings of the said Star Coal Company, the same as if the law relating to the formation of corporations had been fully complied with, and the publication in a newspaper of the proper notice made, as provided by law, and within three months from the filing of said articles in said recorder's office; and the rights and liabilities of all the members of, and stockholders in, said Star Coal Company, shall not be other or greater than if the laws of Iowa had been fully complied with in the organization and incorporation of said company; and no act of the said Star Coal Company, or of its officers or board of directors, shall be invalid by reason of the omission to publish the said notice as and within the time provided by law.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication, without expense to the state, in the *Iowa State Register*, a newspaper published at Des

Moines, Iowa, and the Cedar Rapids Times, a newspaper published at Cedar Rapids, Iowa.

Approved, March 23, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 26, and *Cedar Rapids Times*, April 1, 1880.

J. A. T. HULL, *Secretary of State*.

### CHAPTER 103.

#### ACKNOWLEDGMENTS BY COUNTY AUDITORS, DEPUTY AUDITORS, AND DEPUTY CLERKS LEGALIZED.

AN ACT to Legalize Acknowledgments by County Auditors, Deputy County Auditors, and Deputy Clerks of the District Court. S. F. 220.

WHEREAS, Certain county auditors, deputy county auditors and deputy clerks of the district court, have heretofore taken and certified acknowledgments of deeds, mortgages, and contracts, believing that they were acting in pursuance of law; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all acknowledgments of deeds, mortgages, and contracts heretofore taken and certified by any county auditor, deputy county auditor, or deputy clerk of the district court within this state, be and the same are hereby declared to be as legal and valid as though the law had authorized such acknowledgments at the time they were made.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 24, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 26, and in the *Iowa State Leader*, March 27, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 104.

## THE DUNLAP FINE STOCK AND DRIVING PARK COMPANY LEGALIZED.

S. F. 233. AN ACT to Legalize the Organization and Acts of "The Dunlap Fine Stock and Driving Park Company," of Dunlap, Iowa.

## Preamble.

WHEREAS, George W. Thompson, and other citizens, organized the Dunlap Fine Stock and Driving Park Company, of Dunlap, Iowa, under the general incorporation laws of this state, and subscribed stock and purchased the south-half of the north-east quarter of the north-west quarter of section ten (10), in township eighty-one, in range forty-one, and erected thereon, fences and buildings; and,

## Notice not published.

WHEREAS, The officers and incorporators of such company failed to publish notice of such incorporation in the time and manner required by law, and questions have arisen as to the legal organization thereof;

*Be it enacted by the General Assembly of the State of Iowa:*

## Legalizing clause.

SECTION 1. That the organization and incorporation of "The Dunlap Fine Stock and Driving Park Company," of Dunlap, Iowa, are hereby legalized, and all acts and things done under and by virtue thereof, shall be as legal and valid as if said incorporation act had been fully complied with, and said notice published as required by law.

## Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Dunlap Reporter, published at Dunlap, Iowa, and Iowa State Register, published at Des Moines, without expense to the state. Approved, March 24, 1880.

## CHAPTER 105.

W. E. HASKINS, N. P.

S. F. 299. AN ACT to Legalize the Official Acts of W. E. Haskins, a Notary Public in and for Howard County, Iowa.

## Preamble.

WHEREAS, The commission of W. E. Haskins, a notary public in and for Howard county, expired on the 4th day of July, 1876, and the renewal of said commission is dated December 31st, 1877, during which time he performed certain official acts as notary public; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all official acts of said W. E. Haskins, by him performed as a notary public after July 4th, 1876, and before the date of his qualification as such notary public under his commission dated December 31st, 1877, be and the same are hereby legalized and made valid to the same extent as though he had been legally qualified. Legalising clause.

Approved, March 24, 1880.

## CHAPTER 106.

EDWARD M. DOE, N. P.

AN ACT to Confirm and Legalize the Acts of Edward M. Doe, as a N. P. 126.  
Notary Public in and for Johnson County, Iowa.

WHEREAS, The commission of Edward M. Doe, a notary public in and for Johnson county, Iowa, expired on the first day of February, A. D. 1876, and said Doe believing his commission in full force, did, after the said first day of February, 1876, do and perform official acts as a notary public; therefore, Preamble.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all official acts of said Edward M. Doe, by him performed as a notary public within and for said county of Johnson, subsequent to the first day of February, A. D. 1876, be and the same are hereby declared legal and binding in law and equity as fully as though the said commission had been in full force and effect at the time of such official acts as a notary public. Legalising clause.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Iowa City Republican, a newspaper published at Iowa City, Iowa, without expense to the state. Publication.

Approved, March 24, 1880.

## CHAPTER 107.

### TOWN OF WOODBINE LEGALIZED.

**S. F. 303.** AN ACT to Legalize the Incorporation of the Town of Woodbine, Harrison County, Iowa.

**Preamble.** WHEREAS, In the incorporation of the town of Woodbine, Harrison county, Iowa, the description and plat of said town was not filed in the office of the circuit court and recorder's office of said county as required by law; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

**Legalizing clause.** SECTION 1. That the incorporation of the town of Woodbine, in Harrison county, Iowa, be and the same is hereby legalized and made valid the same as if the description and plat of said town had been duly filed in the offices of the clerk of the circuit court and recorder of said county as provided by law in such cases.

**Publication.** SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and in the Woodbine Twiner, a newspaper published at Woodbine, Harrison county, Iowa, said publication to be without expense to the state.

Approved, March 24, 1880.

I hereby certify that the foregoing act was published in the *Woodbine Twiner*, April 3, and in the *Iowa State Register*, April 8, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 108.

### CHRIS. H. SOGN, RECORDER OF LYON COUNTY.

**S. F. 306.** AN ACT to Legalize the Acts of Chris. H. Sogn, Recorder of Lyon county, Iowa, done and performed by J. K. P. Thompson, whether under the style of Attorney in Fact of said Recorder or as Deputy Recorder of said county.

**Preamble.** WHEREAS, Chris. H. Sogn was, on the 14th day of October, 1873, duly elected to the office of county recorder of Lyon county, Iowa, and duly qualified as provided by law; and,

WHEREAS, On the 1st day of January, 1874, the said Chris. H. Sogn appointed J. K. P. Thompson his deputy, and gave the said Thompson authority to sign his name to the filing of instruments of record as well as the record, by giving the said J. K. P. Thompson a power of attorney; and,

Deputy signed  
principal's name  
to records.

WHEREAS, The said J. K. P. Thompson entered upon the duties thus conferred upon him by virtue of said appointment, on the 1st day of January, 1874, and continued to act in that capacity for one year; and,

WHEREAS, The said J. K. P. Thompson in the discharge of the duties as such deputy recorder signed the records of said county as follows: "Chris. H. Sogn, Recorder, by J. K. P. Thompson, attorney in fact"; and,

Records:  
how signed.

WHEREAS, At the January, 1880, session of the board of supervisors of said Lyon county, the following resolution was adopted: "*Resolved*, By the Board of Supervisors of Lyon county, in regular session assembled, that we deem it of vital importance to the property interests of the county, that the official acts of Chris. H. Sogn as recorder of this county, by his deputy and attorney in fact, J. K. P. Thompson, be legalized by an act of the legislature, and would therefore ask our senator and representative to use their influence in bringing about such a result"; and,

Resolution of  
board of super-  
visors.

WHEREAS, Doubts exist as to the legality of the acts of Chris. H. Sogn by his deputy, J. K. P. Thompson, while acting as recorder of Lyon county; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the acts of Chris. H. Sogn, recorder of Lyon county, by his attorney in fact, or deputy, J. K. P. Thompson, from the 1st day of January, 1874, to the 1st day of January, 1875, wherein the said Thompson signed any records, or filing of instruments of record as attorney in fact, be and the same are hereby declared legal, valid, and binding in law, for all purposes, expressed or intended, the same as if said records and filing of said instruments had been signed by the said Chris. H. Sogn, as recorder.

Legalizing  
clause.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Rock Rapids Review, a newspaper published at Rock Rapids, Iowa, without expense to the state.

Publication.

Approved, March 24, 1880.

I hereby certify that the foregoing act was published in the Rock Rapids Review, April 7, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 109.

## RELATIVE TO EQUALIZATION OF PROPERTY.

H. F. 267.

AN ACT to Amend Section 831, Chapter 1, Title 6 of the Code of Iowa in Relation to Boards of Equalization.

*Be it enacted by the General Assembly of the State of Iowa:*Code, § 831  
amended:  
appeals to be  
taken in 60 days.

SECTION 1. That section 831 of the Code of Iowa be amended as follows: by adding to the end of said section 831 the following words: "Within sixty days after the adjournment of such board of equalization but not afterward."

Assessor to  
inform parties  
of amount and  
notify them to  
appear if  
aggrieved.

SEC. 2. The assessor shall, before administering the oath or affirmation as is provided in section 824 of the Code to the person assessed, inform him of the valuation put upon his property, and notify him that if he feels aggrieved to appear before the board of equalization and show why the assessment should be changed.

Duty of board  
of equalization.

SEC. 3. At the first meeting of the board of equalization of any township, town, or city, they shall decide what assessment should in their opinion be raised, and make an alphabetical list of names of the individuals whose assessment it is proposed to raise, and post a copy of the same in a conspicuous place in the office or place of meeting of said board and also in each post-office located in said township, town, or city, and the board shall, if in their opinion some assessments should be raised, hold an adjourned meeting with at least one week intervening after posting of said notices before final action thereon, which notices shall state the time and place of holding such adjourned meeting.

Publication.

• SEC. 4. This act, being deemed of immediate importance, it shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 24, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 30, and in the *Iowa State Leader*, April 1, 1880.J. A. T. HULL, *Secretary of State*.



## CHAPTER 110.

## DAKOTA CITY LEGALIZED.

AN ACT to Legalize the Official Acts of the Incorporated Town of H. F. 322.  
Dakota City, Humboldt County, Iowa.

WHEREAS, The town of Dakota City, in Humboldt county, Iowa, was heretofore incorporated under the general incorporation laws of the state of Iowa; and, Preamble.

WHEREAS, On the first Monday in March, 1879, at the first election of officers under said incorporation, three of the six councilmen elected, failed to qualify as provided by law; and, Three councilmen failed to qualify.

WHEREAS, Thereupon, the mayor, recorder, and three councilmen, all of whom were duly qualified, met as a town council, and elected three councilmen to fill the vacancies; and, Councilmen elected to fill vacancies.

WHEREAS, Said council, so organized, have passed ordinances, resolutions, levied taxes, and done other official acts; and,

WHEREAS, Doubts have arisen as to the legality of the official acts of said council; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the official acts of the town council of the incorporated town of Dakota City, in Humboldt county, Iowa, done and performed since the first Monday in March, 1879, and the date of the passage of this act, are hereby declared legal. Legalising clause.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Humboldt County Independent, a newspaper published at Dakota City, Iowa, without expense to the state. Publication.

Approved, March 24, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 31, and in the *Humboldt County Independent*, April 1, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 111.

## RELATIVE TO RESTORATION OF TERRITORY WHERE DISTRICT IS IN MORE THAN ONE COUNTY.

H. F. 415.

AN ACT to Repeal Section 1798 of the Code, and Enacting a Substitute Therefor.

*Be it enacted by the General Assembly of the State of Iowa:*

Code, § 1798 amended, so that territory attached to independent districts may be restored.

SECTION 1. That section 1798 of the Code, be and the same is hereby repealed, and that there be enacted in lieu thereof the following:

SEC. 1798. That in all cases where territory has been, or may be set into an adjoining county or township, or attached to any independent school district in any adjoining county or township, for school purposes, such territory may be restored by the concurrence of the respective board[s] of directors; but on the written application of two-thirds of the electors residing upon the territory within such township or independent district in which the school-house is not situated, the said boards shall restore the territory to the district to which it geographically belongs.

Approved, March 24, 1880.

## CHAPTER 112.

## TO AUTHORIZE BOARD OF CAPITOL COMMISSIONERS TO CONTRACT FOR USE OF SEWERS.

H. F. 422.

AN ACT to Authorize the Board of Capitol Commissioners to Contract with the City of Des Moines for the Use of Sewers, and Limiting the Expenditure Therefor.

*Be it enacted by the General Assembly of the State of Iowa:*

To contract with city of Des Moines for use of sewers to drain new capitol and grounds.

Limiting liability of state.

SECTION 1. That the board of commissioners, charged with the erection of the new capitol building, be and are hereby empowered to contract with the city of Des Moines for the use of the sewers of said city, for the purpose of the sewerage and drainage of the new capitol building and premises: *Provided*, that said commissioners shall not, in any such contract or agreement with said city, incur a liability on behalf of the state to expend more money than would be necessary to construct the necessary sewers for said capitol building, independent of said

city, and no part of the amount agreed to be paid said city shall be drawn until the said city shall first have constructed the sewer: *and, Provided, further,* that said sewer shall not cost the state to exceed \$5,000. Not to exceed \$5,000.

SEC. 2. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines. Publication.

Approved, March 24, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 30, and in the *Iowa State Leader*, March 31, 1880.  
J. A. T. HULL, *Secretary of State*.

## CHAPTER 113.

### KNOTTS MEXICAN SILVER MINING COMPANY LEGALIZED.

AN ACT to Legalize the Organization and Acts of the Knotts Mexican Silver Mining Company. H. F. 522.

WHEREAS, The Knotts Mexican Silver Mining Company was, on the twenty-third day of August, 1875, organized under the laws of Iowa, with its principal place of business at Osceola, Clarke county, Iowa, for the purpose of working and operating certain silver mines at the city of Parral, in the state of Chihuahua, republic of Mexico; and, Preamble.

WHEREAS, Articles of incorporation were duly adopted, a large number of shares of the capital stock issued and sold, and about two hundred thousand dollars expended in providing machinery and developing the said mines; and,

WHEREAS, By an oversight, no copy of said articles of incorporation were filed with the secretary of state, as the law requires; and, Not filed with secretary of state.

WHEREAS, On the thirteenth day of January, 1880, at the annual meeting of the stockholders of said company, held at Osceola, Iowa, new articles of incorporation were duly adopted amendatory of the former articles of incorporation, in the mode pointed out therein, a copy of which was duly filed in the office of the secretary of state, in book J, page 474; and, New articles adopted January, 1880.

WHEREAS, Doubts have arisen as to the legality of the organization of said company, by reason of the omission aforesaid; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the organization of the said Knotts Mexican Silver Mining Company, and all its acts and proceedings under the original articles of incorporation, as well as under the Legalizing clause.

amended articles adopted January 13th, 1880, are hereby legalized and declared to be valid; as though no such irregularity had occurred therein.

Approved, March 24, 1880.

## CHAPTER 114.

### VACATION OF AN ALLEY IN TOWN OF CORNING LEGALIZED.

**H. F. 582.** AN ACT to Legalize the Proceedings of the Board of Supervisors of Adams county, Iowa, held on the 7th day of January, A. D. 1875, and of the Proceedings of the Town Council of the Town of Corning, Adams County, Iowa, held on the 16th day of February, 1875, Vacating a Certain Alley in said Town.

**Preamble.** WHEREAS, At a regular meeting of the board of supervisors of Adams county, Iowa, held January 7th, 1875, a petition of H. C. Rawson, asking for a vacation of an alley running east and west, between lots 217, 218 and 219 on the north, and 220, 221 and 222 on the south, in College addition to the town of Corning; and,

**Petition to board of supervisors.** WHEREAS, At a regular meeting of the town council of the town of Corning, Adams county, Iowa, held on the sixteenth day of February, A. D. 1875, a petition of H. C. Rawson, asking for a vacation of an alley running east and west, between lots 217, 218 and 219 on the north, and 220, 221 and 222 on the south, in College addition to said town of Corning; and,

**Petition to town council.** WHEREAS, The prayer of said petitioner was granted and on motion made and entered of record; and,

**Prayer of petitioner granted.** WHEREAS, Doubts exist as to the legality of said proceedings of said board of supervisors of said town council in vacating said alley; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

**Legalizing clause.** SECTION 1. That the action of the said board of supervisors and the said town council in vacating said alley is hereby legalized and made binding and valid to all intents and purposes.

**Publication.** SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Adams County Gazette, a newspaper published at Corning, Adams county, Iowa, without expense to the state.

Approved, March 24, 1880.

I hereby certify that the foregoing act was published in the *Adams County Gazette*, March 31, and in the *Iowa State Register*, April 2, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 115.

## COMPENSATION OF SHERIFFS.

AN ACT to Repeal Sections 3788 and 3789 of Chapter Two (2), Title H. F. 190, 30 Twenty-three (23) of the Code, and to Enact a Substitute Therefor and 52. in Relation to the Compensation of Sheriff.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That sections 3788 and 3789 of chapter two (2), Code, §§ 3788 title twenty-three (23) of the Code, are hereby repealed, and the and 3789 amended. following enacted in lieu thereof:

SEC. 2. The sheriff is entitled to charge and receive the following fees: For attending the supreme court, to be paid out of the amount appropriated for contingent expenses of such court, two dollars per day. Fees for attending supreme court.

SEC. 3. For serving an order or notice and making return thereof, for the first person served, fifty cents; for each additional person, twenty-five cents; for each warrant served, two dollars and mileage, and repayment of any amounts actually paid by him as necessary expenses for assistance and conveyance in executing such warrant, as sworn to by the sheriff. In case service of the warrant cannot be made, such reasonable compensation may be allowed as the board of supervisors may deem just and equitable. Notice and warrant. Mileage.

SEC. 4. For each copy of such order or notice, when required, for each hundred words, ten cents. Copying.

SEC. 5. Each commitment to jail, twenty-five cents; discharge from same, twenty-five cents. Commitment.

SEC. 6. Copy of a paper required by law, when made by him, for each hundred words, ten cents.

SEC. 7. For serving and returning a subpoena, for each person, twenty cents. For calling a jury, each case, ten cents. Subpoena.

SEC. 8. Summoning a grand or trial jury, for each panel, including mileage, to be paid out of the county treasury, six dollars. Summoning a jury.

SEC. 9. Traveling fees in other cases required by law, going and returning, per mile, five cents. Traveling fees.

SEC. 10. Making and executing a deed for land sold on execution, one dollar. Deed.

SEC. 11. Summoning a jury in case of forcible entry and detainer, fifty cents. Jury in forcible entry and detainer.

SEC. 12. Serving an execution or order for the partition of real estate or assignment of dower, one dollar. Partition of real estate.

SEC. 13. For taking each bond required by law, twenty-five cents. Bond.

Jury to assess damages.

SEC. 14. For summoning a jury to assess the damages to the owner of lands taken for any work of internal improvements and attending upon them, including mileage, five dollars; if such case occupies more than one day, for each additional day or fraction thereof, one dollar and fifty cents. There shall be nothing in this section so construed that will allow any sheriff to make separate charges for different assessments: *Provided*, They can be done by the same set of appraisers, and completed in one day of ten hours.

Proviso.

Attachment.

SEC. 15. For serving each attachment and making return thereof, one dollar.

Making an inventory.

SEC. 16. For the time necessarily employed in making an inventory of personal property attached or levied upon, per day, one dollar.

Collecting and paying over money.

SEC. 17. For collecting and paying over money, on the first five hundred dollars or fraction thereof, two per cent; and on all excess over five hundred dollars, one per cent.

One-third above fee, when.

SEC. 18. But where the property is purchased by the plaintiff in execution, or where the money is collected without sale of property, one-third of the above rates.

Returning order, etc.

SEC. 19. For returning any order, warrant or notice not served, five cents.

Receiving prisoner.

SEC. 20. For receiving a prisoner on surrender by bail, twenty-five cents; for taking new bail or bond, twenty-five cents.

Boarding prisoner.

SEC. 21. For boarding a prisoner, a compensation to be fixed by the board of supervisors not to exceed, for each day, fifty cents.

Washing for prisoner.

SEC. 22. For washing for prisoner, the sheriff shall have such compensation as shall be allowed by the board of supervisors.

30 cents per hour and actual expenses for conveying convicts to penitentiary, etc.

SEC. 23. The sheriff, for conveying one or more convicts to either of the penitentiaries of this state, or any prisoner to any county jail outside the county in which said sheriff resides, or any insane person or persons to any insane asylum in the state, or person or persons to the reform school in the state, shall be allowed as full compensation therefor his necessary traveling expenses actually paid by him, including board and railroad fare for himself and such convicts, insane or other prisoners, or any other necessary expenses; and in addition thereto, thirty cents per hour for the time necessarily employed in going to and returning from said prisons, asylums, or reform schools, to be certified by the oath or affidavit of such sheriff, accompanied by the proper vouchers, to the board of supervisors of the county where the convictions took place. Should the sheriff need any assistance in taking prisoners to the penitentiary, or insane persons to the asylum, the same shall be furnished at the expense of the county, the compensation to be fixed by the board of supervisors.

Attending district and circuit courts, etc.

SEC. 3789. The sheriff is also entitled, for attending district and circuit courts, and for other services for which no compensation is allowed by law, such annual salary as may be fixed by the board of supervisors, but in no case to exceed two hundred dollars.

SEC. 2 [24]. All acts and parts of acts inconsistent with this act are hereby repealed. Repealing clause.

Approved, March 24, 1880.

## CHAPTER 116.

### REPRESENTATIVE APPORTIONMENT.

AN ACT Apportioning the State into Representative Districts and s. F. 166.  
Declaring the Ratio of Representation.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That one representative for every fourteen thousand and one hundred inhabitants in each representative district, is hereby declared and constituted the ratio of apportionment. Ratio of apportionment.

2. 33,914. SEC. 2. Lee county shall be the first district, and entitled to two representatives. Lee, 2 representatives.

2. 35,106. SEC. 3. Des Moines county shall be the second district, and entitled to two representatives. Des Moines, 2.

2. 21,594. SEC. 4. Henry county shall be the third district, and entitled to two representatives. Henry, 2.

1. 17,127. SEC. 5. Jefferson county shall be the fourth district, and entitled to one representative. Jefferson.

1. 16,980. SEC. 6. Van Buren county shall be the fifth district, and entitled to one representative. Van Buren.

2. 23,865. SEC. 7. Wapello county shall be the sixth district, and entitled to two representatives. Wapello, 2.

1. 15,757. SEC. 8. Davis county shall be the seventh district, and entitled to one representative. Davis.

1. 12,711. SEC. 9. Monroe county shall be the eighth district, and entitled to one representative. Monroe.

1. 17,405. SEC. 10. Appanoose county shall be the ninth district, and entitled to one representative. Appanoose.

1. 11,725. SEC. 11. Lucas county shall be the tenth district, and entitled to one representative. Lucas.

1. 13,978. SEC. 12. Wayne county shall be the eleventh district, and entitled to one representative. Wayne.

1. 10,118. SEC. 13. Clarke county shall be the twelfth district, and entitled to one representative. Clarke.

1. 13,249. SEC. 14. Decatur county shall be the thirteenth district, and entitled to one representative. Decatur.

1. 8,827. SEC. 15. Union county shall be the fourteenth district, and entitled to one representative. Union.

1. 7,546. SEC. 16. Ringgold county shall be the fifteenth district, and entitled to one representative. Ringgold.

- Adams. 1. 7,772. SEC. 17. Adams county shall be the sixteenth district, and entitled to one representative.
- Taylor. 1. 10,418. SEC. 18. Taylor county shall be the seventeenth district, and entitled to one representative.
- Montgomery. 1. 10,839. SEC. 19. Montgomery county shall be the eighteenth district, and entitled to one representative.
- Page. 1. 14,274. SEC. 20. Page county shall be the nineteenth district, and entitled to one representative.
- Mills. 1. 10,555. SEC. 21. Mills county shall be the twentieth district, and entitled to one representative.
- Fremont. 1. 13,719. SEC. 22. Fremont county shall be the twenty-first district, and entitled to one representative.
- Pottawattamie, 2. 2. 21,665. SEC. 23. Pottawattamie county shall be the twenty-second district, and entitled to two representatives.
- Cass. 1. 10,552. SEC. 24. Cass county shall be the twenty-third district, and entitled to one representative.
- Madison. 1. 16,030. SEC. 25. Madison county shall be the twenty-fourth district, and entitled to one representative.
- Warren. 1. 18,528. SEC. 26. Warren county shall be the twenty-fifth district, and entitled to one representative.
- Marion, 2. 2. 24,094. SEC. 27. Marion county shall be the twenty-sixth district, and entitled to two representatives.
- Mahaska, 2. 2. 23,718. SEC. 28. Mahaska county shall be the twenty-seventh district, and entitled to two representatives.
- Keokuk. 1. 20,488. SEC. 29. Keokuk county shall be the twenty-eighth district, and entitled to one representative.
- Washington. 1. 19,269. SEC. 30. Washington county shall be the twenty-ninth district, and entitled to one representative.
- Louisa. 1. 12,499. SEC. 31. Louisa county shall be the thirtieth district, and entitled to one representative.
- Muscatine, 2. 2. 21,623. SEC. 32. Muscatine county shall be the thirty-first district, and entitled to two representatives.
- Scott, 3. 3. 39,736. SEC. 33. Scott county shall be the thirty-second district, and entitled to three representatives.
- Cedar. 1. 17,879. SEC. 34. Cedar county shall be the thirty-third district, and entitled to one representative.
- Johnson, 2. 2. 24,654. SEC. 35. Johnson county shall be the thirty-fourth district, and entitled to two representatives.
- Iowa. 1. 17,456. SEC. 36. Iowa county shall be the thirty-fifth district, and entitled to one representative.
- Poweshiek. 1. 16,482. SEC. 37. Poweshiek county shall be the thirty-sixth district, and entitled to one representative.
- Jasper, 2. 2. 24,128. SEC. 38. Jasper county shall be the thirty-seventh district, and entitled to two representatives.
- Polk, 2. 2. 31,558. SEC. 39. Polk county shall be the thirty-eighth district, and entitled to two representatives.
- Dallas. 1. 14,386. SEC. 40. Dallas county shall be the thirty-ninth district, and entitled to one representative.
- Guthrie. 1. 9,638. SEC. 41. Guthrie county shall be the fortieth district, and entitled to one representative.



1. 11,818. SEC. 42. Harrison county shall be the forty-first Harrison. district, and entitled to one representative.
1. 17,351. SEC. 43. Boone county shall be the forty-second Boone. district, and entitled to one representative.
1. 13,311. SEC. 44. Story county shall be the forty-third Story. district, and entitled to one representative.
1. 19,629. SEC. 45. Marshall county shall be the forty- Marshall. fourth district, and entitled to one representative.
1. 18,771. SEC. 46. Tama county shall be the forty-fifth Tama. district, and entitled to one representative.
2. 22,807. SEC. 47. Benton county shall be the forty-sixth Benton, 2. district, and entitled to two representatives.
2. 31,815. SEC. 48. Linn county shall be the forty-seventh Linn, 2. district, and entitled to two representatives.
1. 19,166. SEC. 49. Jones county shall be the forty-eighth Jones. district, and entitled to one representative.
2. 34,295. SEC. 50. Clinton county shall be the forty-ninth Clinton, 2. district, and entitled to two representatives.
2. 23,062. SEC. 51. Jackson county shall be the fiftieth Jackson, 2. district, and entitled to two representatives.
3. 43,845. SEC. 52. Dubuque county shall be the fifty-first Dubuque, 3. district, and entitled to three representatives.
1. 16,890. SEC. 53. Delaware county shall be the fifty-second Delaware. district, and entitled to one representative.
1. 17,315. SEC. 54. Buchanan county shall be the fifty- Buchanan. third district, and entitled to one representative.
2. 22,913. SEC. 55. Black Hawk county shall be the fifty- Black Hawk, 2. fourth district, and entitled to two representatives.
1. 8,134. SEC. 56. Grundy county shall be the fifty-fifth Grundy. district, and entitled to one representative.
1. 15,010. SEC. 57. Hardin county shall be the fifty-sixth Hardin. district, and entitled to one representative.
1. 7,701. SEC. 58. Hamilton county shall be the fifty- Hamilton. seventh district, and entitled to one representative.
1. 13,114. SEC. 59. Webster county shall be the fifty-eighth Webster. district, and entitled to one representative.
1. 8,568. SEC. 60. Woodbury county shall be the fifty- Woodbury. ninth district, and entitled to one representative.
1. 11,734. SEC. 61. Butler county shall be the sixtieth dis- Butler. trict, and entitled to one representative.
1. 13,220. SEC. 62. Bremer county shall be the sixty-first Bremer. district, and entitled to one representative.
1. 20,518. SEC. 63. Fayette county shall be the sixty-second Fayette. district, and entitled to one representative.
2. 27,184. SEC. 64. Clayton county shall be the sixty-third Clayton, 2. district, and entitled to two representatives.
1. 19,168. SEC. 65. Allamakee county shall be the sixty- Allamakee. fourth district, and entitled to one representative.
2. 24,233. SEC. 66. Winneshiek county shall be the sixty- Winneshiek, 2. fifth district, and entitled to two representatives.

- Howard. 1. 7,875. SEC. 67. Howard county shall be the sixty-sixth district, and entitled to one representative.
- Chickasaw. 1. 11,400. SEC. 68. Chickasaw county shall be the sixty-seventh district, and entitled to one representative.
- Mitchell. 1. 11,523. SEC. 69. Mitchell county shall be the sixty-eighth district, and entitled to one representative.
- Floyd. 1. 13,100. SEC. 70. Floyd county shall be the sixty-ninth district, and entitled to one representative.
- Plymouth, Sioux, and Lyon. 1. 9,734. SEC. 71. Plymouth, Sioux and Lyon counties shall be the seventieth district, and entitled to one representative. Plymouth, 5,282; Sioux, 3,220; Lyon, 1,232.
- Monona, Ida, and Crawford. 1. 12,799. SEC. 72. Monona, Crawford and Ida counties shall be the seventy-first district, and entitled to one representative. Monona, 5,967; Crawford, 6,038; Ida, 794.
- Cherokee, Buena Vista, Pocahontas, and Sac. 1. 12,924. SEC. 73. Cherokee, Buena Vista, Pocahontas and Sac counties shall be the seventy-second district, and entitled to one representative. Cherokee, 4,245; Buena Vista, 3,561; Pocahontas, 2,245; Sac, 2,873.
- Greene, Carroll, and Calhoun. 1. 15,973. SEC. 74. Greene, Carroll and Calhoun counties shall be the seventy-third district, and entitled to one representative. Greene, 7,028; Carroll, 5,760; Calhoun, 3,185.
- Adair, Audubon and Shelby. 1. 15,079. SEC. 75. Adair, Audubon and Shelby counties shall be the seventy-fourth district, and entitled to one representative. Adair, 7,045; Audubon, 2,370; Shelby, 5,664.
- Clay, Osceola, etc. 1. 9,444. SEC. 76. Clay, Osceola, O'Brien and Dickinson counties shall be the seventy-fifth district, and entitled to one representative. Clay, 3,569; Osceola, 1,778; O'Brien, 2,349; Dickinson, 1,748.
- Emmet, Palo Alto, etc. 1. 11,391. SEC. 77. Emmet, Palo Alto, Kossuth and Humboldt counties shall be the seventy-sixth district, and entitled to one representative. Emmet, 1,436; Palo Alto, 2,735; Kossuth, 3,765; Humboldt, 3,455.
- Wright, Worth, etc. 1. 12,621. SEC. 78. Wright, Winnebago, Hancock and Worth counties shall be the seventy-seventh district, and entitled to one representative. Wright, 3,244; Winnebago, 2,987; Hancock, 1,482; Worth, 4,908.
- Cerro Gordo, and Franklin. 1. 13,243. SEC. 79. Cerro Gordo and Franklin counties shall be the seventy-eighth district, and entitled to one representative. Cerro Gordo, 6,685; Franklin, 6,558.
- Approved, March 24, 1880.

## CHAPTER 117.

## METHODIST PROTESTANT CHURCH OF IOWA CITY.

AN ACT Amending Chapter 141 of the Laws of the Seventeenth General Assembly. S. F. 252.

WHEREAS, By clerical error chapter 141 of the laws of the seventeenth general assembly, entitles and designates the "Methodist Protestant Church of Iowa City" as the "Protestant Methodist church of Iowa City"; and, Amending chap. 141, of 17th G.A. Preamble.

WHEREAS, Said chapter 141 is indefinite in its terms, as to the uses to be made of the moneys arising from the sale of the property referred to therein; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That chapter 141 of the laws of the seventeenth general assembly, be and the same is hereby amended so as to read "Methodist Protestant" wherever the words "Protestant Methodist" occur. Changing words Protestant Methodist to Methodist Protestant.

SEC. 2. The proceeds of said property are hereby specifically appropriated to the state historical society. Proceeds to go to state historical society.

SEC. 3. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa City Republican, a newspaper published at Iowa City, Iowa, and the Iowa State Register, a newspaper published at Des Moines, Iowa, such publication to be without expense to the state. Publication.

Approved, March 24, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 17, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 118.

## LEGALIZING SALE OF PART OF BLOCK SIXTY-SIX IN IOWA CITY.

AN ACT to Legalize the Sale of Part of Block Sixty-Six in Iowa City. S. F. 253.

WHEREAS, By an act of the seventeenth general assembly of the state of Iowa, chapter 141, Geo. H. Van Patten, J. Horwood [Norwood] Clark, W. P. Doty, Cyrus Goodrich, and S. L. Saunders, as trustees of the Methodist Protestant Church of Iowa City, Preamble.

were duly empowered to sell and convey all that part of the north-east quarter of block 66 in Iowa City, then owned by said church, to-wit: 95 feet off the east side of the north half of said block 66; and,

Sold to E. O. Swain.

WHEREAS, Said property has been sold to E. O. Swain; and WHEREAS, In said chapter 141 said Methodist Protestant Church is designated as the "Protestant Methodist" Church now, therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalized.

SECTION 1. That said sale of 95 feet off the east side of the north half of block 66 in Iowa City to E. O. Swain, is hereby legalized and confirmed.

Publication.

SEC. 2. This act, being deemed of immediate importance shall be in force from and after its publication in the Iowa State Register, at Des Moines, Iowa, and in the Iowa State Press, newspaper published at Iowa City, the same to be without expense to the state.

Approved, March 24, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Press*, March 31, and in the *Iowa State Register*, April 6, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 119.

### LEGALIZING CERTAIN GRANTS BY DUBUQUE TO HILL & WEST STREET R. R. COMPANY.

Sub. S. F. 270.

AN ACT to Legalize an Ordinance of the City of Dubuque, Granting Certain Privileges to the Hill & West Dubuque Street Railway Company.

Preamble.  
Right of way  
over certain  
streets.

WHEREAS, On the 28th day of April, 1877, the city council of the city of Dubuque passed an ordinance granting the right of way over certain streets of said city to the Hill & West Dubuque Street Railway, for the railroad of said company, in terms and conditions in said ordinances specified; and,

Company has  
built along and  
over said streets.

WHEREAS, Said company has acted on said ordinance, and at great expense has constructed its railway along and over the streets of said city mentioned in said ordinance, and has been, and is now, operating its railway over the same; and,

WHEREAS, Doubts have arisen whether said council had power to pass said ordinance at the time it was passed, and it is desirable to remove such doubts and to validate the right of said company to the privileges and rights conferred on it by said ordinance; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the ordinance of the city council of the city of Dubuque, passed April 28th, A. D. 1877, granting to the Hill & West Dubuque Street Railway Company right of way for its railroad on certain streets of said city, mentioned in said ordinance, be and the same is hereby validated and made as effective in law as if said council had full power and authority to pass the same at the time said ordinance was passed.

Legalising  
clause.

Approved, March 24, 1880.

## CHAPTER 120.

### RELATIVE TO MAYORS OF CITIES OF THE SECOND CLASS.

AN ACT to Repeal Section 531, Chapter 10, Title 4, of the Code, and s. F. 311. to Enact a Substitute Therefor in Relation to Mayors of Cities of the Second Class.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 531 of chapter 10, title 4 of the Code, be and the same is hereby repealed, and the following enacted in lieu thereof, to-wit:

Code, § 531 repealed and substitute enacted.

SEC. 531. The mayor of cities of the second class shall be the presiding officer of the city council, and shall constitute a member of such council, and shall have a casting vote where there is a tie, in all cases, including the election of officers and passage of ordinances, and all other matters provided for in sections 489 and 493 of the Code.

Mayor shall preside: have casting vote in all cases where there is a tie.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Iowa State Leader, newspapers published at Des Moines, Iowa.

Publication.

Approved, March 24, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 30, and in the *Iowa State Leader*, March 31, 1880.  
J. A. T. HULL, *Secretary of State*.

## CHAPTER 121.

## CANCELLATION OF TAXES IN AID OF RAILROADS.

H. F. 312.

AN ACT to Amend Chapter 87, Acts of Seventeenth General Assembly, Relative to Cancellation of Taxes Voted in Aid of Railroads.

Chap. 87, acts  
17th G. A.  
amended.*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That chapter 87 of the acts of the seventeenth general assembly, be amended by inserting after the word "act," in the thirteenth line, the words "or any regular session thereafter."

Approved, March 24, 1880.

## CHAPTER 122.

## HOSPITAL FOR THE INSANE AT INDEPENDENCE.

H. F. 353.

AN ACT Making an Appropriation for the Iowa Hospital for the Insane at Independence.

*Be it enacted by the General Assembly of the State of Iowa:*\$35,300 appro-  
priated for south  
wing, sewerage,  
etc.

SECTION 1. That there is hereby appropriated for the Iowa Hospital for the Insane at Independence, out of any money in the state treasury not otherwise appropriated, the following sums and for the following purposes, to-wit:

For finishing and furnishing sections three and four of the south wing of said hospital.....	\$ 27,000
For sewerage.....	1,500
For replacing and repairing boilers, or so much thereof as may be necessary.....	3,000
For constructing a well.....	1,000
For clothes-wringer and mangle.....	800
For plastering basement.....	500
For providing for an additional supply of water, two thousand five hundred dollars, or so much thereof as may be necessary:	
<i>Provided</i> , That the sum appropriated for this purpose shall be under the control of the executive council, and shall not be expended nor drawn from the state treasury, if sufficient water is obtained by the construction of the well provided for by this act.	
For general contingent fund.....	1,500

Proviso.

SEC. 2. The several sums hereby appropriated for replacing and repairing boilers, for clothes-wringer and mangle, and for general contingent fund, may be drawn and expended by the board of trustees of said hospital. How drawn.

SEC. 3. The sum of five hundred dollars, appropriated by chapter 90, laws of the seventeenth general assembly, for the purpose of repairing road on the south side of farm, may be expended under the directions of the board of trustees on the road east of the hospital. \$500 for road, may be used on road east of hospital.

SEC. 4. The money appropriated by this act for finishing and furnishing sections 3 and 4 of the south wing, shall be expended in accordance with the provisions of chapter 120 of the laws of the thirteenth general assembly, and the act of which that is amendatory. Money appropriated for sections 3 and 4 of south wing drawn under Chap. 120, 13th G. A.

SEC. 5. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Buchanan County Bulletin, and Iowa State Leader, a newspaper published in Des Moines, Iowa. Publication.

Approved, March 24, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 31, and in the *Buchanan County Bulletin*, April 2, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 123.

### FISH-WAYS.

AN ACT to Provide for the Further Enforcement of Chapters 80 and 188, of the Acts of the Seventeenth General Assembly, in Relation to the Construction and Attachment of Fish-Ways to Dams. Sub. S.F. 196.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That within thirty days after the passage and publication of this act, each clerk of the board of supervisors, in any county in this state in which there is any dam constructed across any stream therein, shall notify the state fish commissioner of the height of each dam in his county, the width of the stream where the dam is constructed, the character of the foundation upon which each dam rests, and shall give to him all other information necessary to convey to said commissioner an intelligent understanding of the situation and location of each dam in said county. Clerk of board of supervisors to notify fish commissioner within 30 days of height and location of dam.

Commissioner shall acknowledge receipt of notice and send model.

SEC. 2. That within thirty days after the receipt of said notice, the state commissioner shall acknowledge the same by mail, and within thirty days from that date, the said commissioner shall send through the United States mail, or by express, to the clerk of the said board of supervisors, plans and specifications, also one model for each county to be retained by the auditor for reference, suitable for the construction of a fish-way for each dam reported as aforesaid, and the expenses connected therewith to be paid by the county receiving the same, and the said clerk shall, immediately on the receipt of said plans and specifications, cause a notice to be served in the same manner as required for the service of original notices and returned to the auditor for preservation; which notice shall be directed to the owner, agent or party in charge of the dam, and which shall inform said owner, agent or party that model, plans and specifications are in his office, subject to his inspection, for the construction of a fish-way to said dam, and that, unless he consult the same and comply therewith within sixty days, the county will proceed to construct the same, and the costs and penalties therefor will be made a tax lien on the entire premises on which such dam is situated.

Clerk shall serve notice on party in charge of dam.

Board of supervisors shall construct dam where party fails to do so and collect costs and penalty.

SEC. 3. If, within sixty days after the service of said notice, the owner, agent or party in charge shall fail to construct and attach a fish-way to such dam, as required by the commissioner, then the county board of supervisors shall immediately proceed to construct and attach the same, and when so constructed and attached, the original cost and twenty per cent thereon as a penalty shall be entered upon the tax books of the county, and shall be a lien on said property, to be collected in the same manner as provided by law for the collection of other taxes.

May issue warrants.

SEC. 4. To carry out any of the provisions of this act, the county board of supervisors may issue county warrants for the payment of such expenditures and expenses, and when the said taxes are paid the said warrants and all accrued interest thereon shall be refunded to the county, and the balance, after paying the clerk and state commissioner and board of supervisors for their services and for the service of said notice, shall be paid over to the county treasurer to become a part of the school fund of the county.

Shall visit each dam in April and September.

SEC. 5. Some one of the county board of supervisors, in the first week in April and September of each year, shall visit each dam in his county, to which fish-ways are attached, and require the party in charge to keep the same in good repair, and if he fails or for any reason shall neglect to repair the same within ten days after notice so to do, the said supervisor shall immediately cause the needed repairs to be made at the expense of the county, and the costs thereof, with a penalty of twenty-five per cent added, shall become a lien on the premises; and shall be collected as other taxes are collected against the property.



SEC. 6. The said clerk and state fish commissioner and board of supervisors shall keep an accurate and itemized account of their expenditures, and report the same under oath to the county board of supervisors at any regular meeting, and the said board shall thereupon allow such reasonable compensation for their services as they may consider reasonable and just, to be paid out of any money in the county treasury not otherwise appropriated.

Clerk and others keep an itemized account of expenditures: paid by the board.

SEC. 7. Any person who shall kill, trap, ensnare, detain, or in any manner molest the free and unmolested passage of any fish within one hundred yards of any dam, or in their transit through any fish-way attached or belonging thereto, shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall pay a fine for each offense of not less than five nor more than fifty dollars, and five dollars to the complaining witness, together with costs of prosecution, including an attorney fee not exceeding ten dollars, and stand committed until the same are fully paid; and when said fine shall be collected the same shall be paid over to the county treasurer, to become part of school fund.

Penalty for molesting fish within one hundred yards of a dam.

SEC. 8. If any member of any board of supervisors shall, by vote or act, neglect or refuse to enforce the provisions of this act, he shall be adjudged guilty of a misdemeanor, and upon the complaint of any person before any justice of the peace having jurisdiction thereof, if he be convicted he shall pay a fine of not less than twenty nor more than one hundred dollars and costs for each offense, and when collected the same shall be paid over to the county treasurer, to become a part of school fund of the county.

Penalty for members of board refusing to enforce this act.

SEC. 9. Nothing in this act shall be construed to repeal any part of chapters 80 and 188 of the acts of the seventeenth general assembly of the state of Iowa.

Does not repeal.

SEC. 10. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, two newspapers published in the city of Des Moines, Iowa.

Publication.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 1, and in the *Iowa State Leader*, April 6, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 124.

## TO LEGALIZE SERVICE OF ORIGINAL NOTICES BY PUBLICATION.

S. F. 56.

AN ACT to Legalize the Service of Original Notices by Publication in Cases Where the Petition has not been Filed Until After the Publication of the Original Notice.

*Be it enacted by the General Assembly of the State of Iowa:*

Where notice has been published prior to filing petition the court shall be deemed to have acquired full jurisdiction.

SECTION 1. That in all cases where an action has been begun in any of the courts of record of this state by serving the original notice by publication as by law provided, and said publication of the original notice has been begun or completed prior to the time of the filing of the petition in the cause, that in each and all said cases, the court in which said cause or action is pending, shall be deemed to have acquired as full and complete jurisdiction thereof as though said petition had been on file at the time said publication of the original notice therein was begun, or at the time the affidavit, provided for in section 2618 of the Code of 1873, was filed, and the service of the original notice in all said causes shall be deemed a full compliance with said section 2618, and sections 2619, 2620 and 2621 of the Code of 1873.

Approved, March 25, 1880.

## CHAPTER 125.

## RELATIVE TO PAYMENT OF SOLDIER'S BOUNTY TO ALPHONSO BROOKS.

S. F. 95.

AN ACT Authorizing the Payment of Soldier's Bounty to Alphonso Brooks by the Board of Supervisors of Howard County, Iowa, and Extending the Statute of Limitations Regulating the Same.

Preamble.

Howard county:  
\$100 bounty to  
each soldier.

WHEREAS, By a resolution adopted by the board of supervisors of Howard county, Iowa, providing for a bounty of one hundred dollars for each person enlisting to fill the quota of said county for volunteer soldiers in the year 1861; and,

1864, ad-  
ditional bounty.

WHEREAS, By a second resolution adopted by said county in the year 1864 providing for an additional bounty of three hundred dollars to each person re-enlisting as a soldier to fill the quota of said county; and,

Alphonso  
Brooks, enlisted  
from Howard  
county.

WHEREAS, Alphonso Brooks did enlist as a soldier under the call for troops by the President of the United States from said Howard county, and did re-enlist in the year 1864, and has never received any portion of said bounty; and,

**WHEREAS**, Doubt exists in the minds of the board of supervisors of said county as to their right to allow said bounty, by reason of said claim being barred by the statute of limitations; Claim barred by statute of limitations.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1.** That any action taken by the board of supervisors of Howard county, Iowa, relative to the payment of said claim, out of any money in the county treasury not otherwise appropriated, to the said Alphonso Brooks as soldier's bounty, shall be deemed legal the same as if said claim had been allowed and paid before the limitation of said claim expired by law: *Provided*, that nothing herein contained shall be construed to give said board of supervisors any greater power or authority than was granted by the statutes of Iowa and prior resolutions and proceedings of said board as shown by their records, prior to the time when the statute of limitations had commenced to run against said bounty claim. Giving board of supervisors, full authority to pay claim. Proviso.

**SEC. 2.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Howard County Times, a newspaper published at Cresco, Iowa, without expense to the state. Publication.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Howard County Times*, April 1, and in the *Iowa State Register*, April 3, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 126.

### ORDINANCES OF WOODBINE LEGALIZED.

**AN ACT** to Legalize Certain Ordinances Passed by the Town Council of the Town of Woodbine, Harrison County, Iowa. S. F. 304.

**WHEREAS**, Certain ordinances passed by the town council of the town of Woodbine, Harrison county, Iowa, were not signed by the mayor of said town after said ordinances were recorded in the ordinance record of said town; therefore, Preamble. Ordinances not signed by mayor.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1.** That the ordinances passed by the town council of Woodbine, Harrison county, Iowa, are hereby made valid and legalized, the same as if the same had been signed by the mayor of said council as required by law. Legalizing clause.

**SEC. 2.** This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Reg- Publication.

ister, a newspaper published at Des Moines, Iowa, and the Woodbine Twiner, Harrison county, Iowa, said publication to be without expense to the state.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Woodbine Twiner*, April 3, and in the *Iowa State Register*, April 8, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 127.

### TOWN OF MARYSVILLE.

S. F. 308. AN ACT Legalizing the Acts of the Board of Trustees of the Incorporated Town of Marysville, Marion County, Iowa.

Preamble. WHEREAS, Upon the first Monday in March A. D. 1879, there was elected in the incorporated town of Marysville, Marion county, Iowa, a board of trustees consisting of but five (5) persons; and,

Only 5 trustees. WHEREAS, Said board of trustees did not at their first meeting after their election determine by lot or in any other manner the time each member of said board of trustees should serve, as provided by law; and,

Did not determine term of each member. WHEREAS, The said board of trustees exercised all the functions of a legally constituted board; and,

Less than five present. WHEREAS, There *was* [were] at times less than five (5) trustees present at the meetings of said board at which business was transacted pertaining to the government of said town; and,

Five elected in 1880. WHEREAS, On the first Monday in March A. D. 1880, there was elected in said town a board of trustees consisting of five (5) members, being one less than required by law; and,

C. C. Harlow admitted. WHEREAS, At a meeting of said board held since said election, it was determined to admit C. C. Harlow, a member of the board elected in March, 1879, as a member of the present board; and,

WHEREAS, Said board thus constituted *have* [has] since said meeting exercised all the functions of a legally constituted board of trustees; and,

WHEREAS, Grave doubts have arisen as to the legality of the acts of said board of trustees during the year ending on the first Monday in March, 1880; and,

WHEREAS, Still more serious doubts have arisen as to the legality of the board of trustees as at present constituted; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing clause.

SECTION 1. That all the official acts of the board of trustees of the incorporated town of Marysville, Marion county, Iowa, for the year ending first Monday, March, 1880, be and the same

are hereby legalized and established as fully as though all provisions of law had been strictly complied with; and that the board of trustees of said town as at present constituted *are* [is] hereby declared to be the legally constituted board of trustees of said town, as fully as though elected in accordance with law.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Knoxville Journal, a newspaper published at Knoxville, Iowa, without expense to the state. Publication.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 6, and in the *Knoxville Journal*, April 7, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 128.

### RELATIVE TO FOREIGN RAILROAD COMPANIES.

AN ACT to Authorize Railroad Companies Organized in Other States to Extend Their Railroads Into This State. Sub. H. F. 291.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That any railroad company organized or created by or under the laws of any other state, and owning and operating a line or lines of railroad in such state, is hereby authorized to extend and build its road, or any branches thereof, into the state of Iowa; and such railroad company shall have and possess all the powers, franchises, rights and privileges, and be subject to the same liabilities, of railroad companies organized and incorporated under the laws of this state, including the right to sue, and the liability to be sued, the same as railroads organized under the laws of this state: *Provided*, such railroad corporation shall file with the secretary of the state of Iowa a copy of its articles of incorporation, if incorporated under a general law of such state, or a certified copy of statute laws of such state incorporating such company, where the charter of such railroad corporation was granted by statute of such state. Railroads organized in other states by filing a copy of articles of incorporation or certified statute become possessed of all rights of Iowa companies. Provision.

Approved, March 25, 1880.

## CHAPTER 129.

LEGALIZING CERTAIN TRANSFERS BY SIOUX CITY & ST. PAUL, AND  
WORTHINGTON & SIOUX FALLS R. R.

H. F. 468.

AN ACT Legalizing Certain Transfers Made by the Sioux City & Saint Paul Railroad Company and the Worthington & Sioux Falls Railroad Company of Iowa to the Saint Paul & Sioux City Railroad Company.

*Be it enacted by the General Assembly of the State of Iowa:*

Transfer of  
franchise to  
St. Paul & S. C.  
legalized.

SECTION 1. That the purchases, contracts and conveyances, made in transferring the railroad and franchises of the Sioux City & Saint Paul Railroad Company, and the railroad and franchise of the Worthington & Sioux Falls Railroad Company of Iowa to the Saint Paul & Sioux City Railroad Company, a corporation organized and operating railroad in Minnesota, and operating the first named railroads in this state, and the acts of the boards of directors of the respective companies in relation thereto, be and the same is [are] hereby ratified and confirmed, and the title thereby acquired and intended to be acquired by such transfers is in all respects legalized and made valid.

Approved, March 25, 1880.

## CHAPTER 130.

## IN RELATION TO EVIDENCE BEFORE GRAND JURIES.

H. F. 313  
and 316.

AN ACT to Amend Sections 4248 and 4273, and to Repeal Sections 4289 and 4293 of the Code, and Enact Substitutes Therefor: in Relation to Evidence Before Grand Juries.

*Be it enacted by the General Assembly of the State of Iowa:*

Code, § 4248  
amended.

SECTION 1. That section number 4248 of the Code be amended by inserting after the word "answer," in the fifth line of said section, the following words, to-wit: "when required in the further progress of cause;" and that he will not evade or attempt to evade the service of a subpoena.

Code, § 4273  
amended.

SEC. 2. That section number 4273 of the Code be amended by adding to said section the following words, to-wit: "or upon the minutes of evidence given by witnesses before a committing magistrate."

SEC. 3. That section 4289 of the Code be and the same is hereby repealed, and the following is enacted in lieu thereof:

SEC. 4289. All the papers and other matters of evidence relating to the arrest and preliminary examination of the charge against defendants who have been held to answer, returned to the court by magistrate, shall be laid before the grand jury, and shall be competent evidence upon which an indictment may be found, if the grand jury *are* [is] satisfied that such evidence alone, or with other evidence, if unexplained, would warrant a conviction by the trial jury; and the grand jury need not have before them for examination any witness who was examined before the committing magistrate and a minute of whose evidence has been returned by said magistrate, unless requested by the district attorney. And if indictment is found in whole or in part upon the minutes of evidence taken before a committing magistrate, the clerk of the grand jury shall write out a brief minute of the substance of such evidence, and the same shall be returned to the court with the indictment. If, upon investigation, the grand jury refuses to find an indictment, it shall return all of said papers to the court, with an indorsement thereon, signed by the foreman, to the effect that the charge is dismissed, and thereupon the court must order the discharge of the defendant from custody if in jail, or the exoneration of the bail, if bail be given, unless the court should, upon good cause shown, be of opinion that the charge should be again submitted to the grand jury, in which case the defendant may be continued in custody, or on bail, until the next term of the court.

Code, § 4289 repealed and substitute enacted: may find indictment on papers laid before it.

SEC. 4. That section 4293 of the Code be repealed and the following enacted in lieu thereof:

SEC. 4293. When an indictment is found the names of all witnesses, on whose evidence it is found, must be indorsed thereon before it is presented to the court, and the minutes of the evidence of such witnesses must be presented with the indictment to the court, and filed by the clerk of the court and remain in his office as a record; but the minutes of evidence shall not be open for the inspection of any person except the judge of the court, the district attorney or his clerk, the defendant and his counsel, or the clerk of such counsel; and the clerk of the court must, within two days after demand made, furnish the defendant or his counsel a copy thereof without charge, or permit the defendant's counsel or the clerk of such counsel to take a copy.

Code, § 4293 repealed and substitute enacted: names of witnesses must be indorsed on indictment and filed by clerk.

SEC. 5. That when a [on] demurrer, motion to set aside, or otherwise, an indictment is held insufficient, and an order is made to re-submit the case to the same or other grand jury, or where the grand jury *have* [has] ignored a bill and the same has been ordered back to the same or other grand jury for further investigation, it shall be unnecessary to summon the witnesses again before such jury in such cases, but the minutes of the testimony returned with the defective indictment, or ignored bill, or information, shall be detached and returned to the grand jury, and thereupon, without more, such grand jury may find a bill and attach said

When case has been re-submitted, unnecessary to call the witnesses again.

minutes of the evidence thereto and return said indictment therewith into court in the usual manner; and the grand jury may also, in either case, take additional testimony.

Repealing  
clause.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

Publication.

SEC. 7. This act, being deemed of immediate importance by the general assembly, shall take effect on and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, April 1, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 131.

### SUBDIVISION OF INDEPENDENT SCHOOL DISTRICTS.

Sub. H. F. 181. AN ACT Repealing Section 1, Chapter 133, of the Acts of the Seventeenth General Assembly, and Enacting a Substitute Therefor.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 1, chapter 133, of the acts of the seventeenth general assembly be and the same is hereby repealed, and the following enacted as a substitute therefor:

Districts may be  
divided or part  
detached.

SEC. 1. That any independent school district, organized under any of the laws of this state, may subdivide, for the purpose of forming two or more independent school districts, or have territory detached to be annexed with other territory in the formation of independent district or districts, and it shall be the duty of the board of directors of said independent district to establish the boundaries of the districts so formed, the districts so formed not to contain less than four government sections of land each: This limitation shall not apply when, by reason of a river, or other obstacle, a considerable number of pupils will be accommodated by the formation of a district containing less than four sections, or where there is a city, town, or village within said territory, of not less than one hundred inhabitants, and in such cases the independent districts so formed shall not contain less than two government sections of land, such subdivision to be *affected* [effected] in the manner provided for in sections 2, 3, and 4 of this chapter: *Provided*, That where either of the districts so proposed to be formed contains less than four government sections, it shall require a majority of the votes of each of the proposed districts to authorize such subdivision.

Board of direc-  
tors shall estab-  
lish boundaries.

When may be  
formed of less  
than four sec-  
tions.

Proviso.



SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 31, and in the *Iowa State Register*, April 1, 1880.  
J. A. T. HULL, *Secretary of State*.

## CHAPTER 132.

### TO AUTHORIZE FUNDING OUTSTANDING BONDED INDEBTEDNESS OF SCHOOL DISTRICTS.

AN ACT to Authorize Independent School Districts or District Townships to Fund Their Outstanding Bonded Indebtedness and to Provide for the Payment of the Same. Sub. S. F. 255.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That any independent school district or district township now or hereafter having a bonded indebtedness outstanding is hereby authorized to issue negotiable bonds at any rate of interest not exceeding seven per cent per annum, payable semi-annually, for the purpose of funding said indebtedness; said bonds to be issued upon a resolution of the board of directors of said district: *Provided* That said resolution shall not be valid unless adopted by a two-thirds vote of said directors. School districts may refund bonded indebtedness at not to exceed 7 per cent.

SEC. 2. The treasurer of such district is hereby authorized to sell the bonds provided for in this act, at not less than their par value, and apply the proceeds thereof to the payment of the outstanding bonded indebtedness of the district, or he may exchange such bonds for outstanding bonds, par for par; but the bonds hereby authorized shall be issued for no other purpose than the funding of outstanding bonded indebtedness. The actual cost of the engraving and printing of such bonds to be paid for out of the contingent fund of such district. Treasurer to sell bonds at par.

SEC. 3. Said bonds shall run not more than ten years, and be payable at the pleasure of the district after five years from the date of their issue: *Provided*, That in order to stop interest on them, the treasurer shall give the owner of said bonds ninety days' written notice of the readiness of the district to pay, and the amount it desires to pay; said notice to be directed to the post-office address of the owner of the bonds: *Provided, further*, That the treasurer shall keep a record of the parties to whom he sells the bonds, and their post-office address, and notice sent to the address as shown by said record shall be sufficient. Bonds issued for no other purpose.  
Bonds shall run not more than ten years.  
Provided.  
Treasurer shall keep record of parties.

Denomination  
of bonds, and  
how given.

SEC. 4. Said bonds shall be in denominations of not less than one hundred dollars, and not more than one thousand dollars; and said bonds shall be given in the name of the independent district or district township, and signed by the president and countersigned by the secretary thereof; and the principal and interest may be made payable wherever the board of directors may by resolution determine.

President shall  
take receipt of  
treasurer.

SEC. 5. When said bonds are delivered to the treasurer to be negotiated, the president shall take his receipt therefor, and the treasurer shall stand charged on his official bond with the amount of the bonds so delivered to him.

How paid.

SEC. 6. The tax for the payment of the principal and interest of said bonds shall be raised as provided in section 1823, chapter 9, title XII of the Code: *Provided*, That if the district shall fail or neglect to so levy said tax, the board of supervisors of the county in which said district is located shall, upon application of the owner of said bonds, levy said tax.

Proviso.

Repealing  
clause.

SEC. 7. All acts and parts of acts in conflict with this act are hereby repealed.

Publication.

SEC. 8. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 1, and in the *Iowa State Leader*, April 8, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 133.

### SUPPORT OF THE POOR.

Sub. S. F. 208. AN ACT to Repeal Section 1361 of the Code, and to Enact a Substitute therefor, in Relation to the Support of the Poor.

*Be it enacted by the General Assembly of the State of Iowa:*

Code, § 1361  
repealed and  
substitute en-  
acted.  
When trustees  
shall afford  
relief.

SECTION 1. That section 1361 of the Code is hereby repealed, and the following is enacted in lieu thereof:

SEC. 1361. The trustees of each township shall provide for the relief of such poor persons in their respective townships as should not in their judgment be sent to the county poor-house. But where a city of the first or second class, or acting under special charter, is embraced within the limits of any township, the board of supervisors may appoint an overseer of the poor, who shall have within said city all the powers and duties con-

ferred by this chapter on the township trustee. The relief thus furnished may be in the form of food, clothing, fuel, lights, rent, medical attendance or money; but exclusive of medical attendance the relief thus furnished shall not exceed the sum of two dollars per week for each person. And when, in the opinion of the trustees or overseer, the person asking aid, or any member of his family, is able to work, and such a condition would not be oppressive, they may require the person or any member of his family who is able, as a condition on which relief shall be granted, to earn the relief by labor on the public highway at the rate of not to exceed sixty-five cents per day. The trustees of townships or overseers of the poor are also authorized to grant relief by furnishing food to transient persons who appear needy and who are able to work; but such relief shall not exceed the sum of forty cents per day, and they may require such able-bodied persons to labor faithfully on the streets or highway at the rate of five cents an hour in payment for and as a condition of granting the relief. Said labor shall be performed under the direction of the officer having charge of working streets or highways:

Relief in cities.

\$2.00 per week.

May require person to work on highway

May grant relief to transient persons.

SEC. 2. This act, being deemed of immediate importance, shall be in force and take effect immediately upon its publication in the Iowa State Register, a newspaper at Des Moines, Iowa, and the Dubuque Daily Times, a newspaper published at Dubuque, Iowa.

Publication.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Dubuque Daily Times*, April 1, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 134.

### LEGALIZING AN ELECTION IN THE CITY OF BURLINGTON.

AN ACT to Legalize an Election Held on Monday, March 8th, 1880, by the Independent School District of the City of Burlington, Des Moines county, Iowa. H. F. 572.

WHEREAS, An election was held by the independent school district of the city of Burlington, Des Moines county, Iowa, on Monday, March 8th, 1880, for the purpose of electing two directors for said district, to fill the places of the two directors whose term of office then expired; and,

Preamble.

WHEREAS, Said election was held under and in pursuance of the provisions of chapter 8 of the acts of the eighteenth general assembly, passed February, 1880; and,

Election.

Two weeks' notice not given.

WHEREAS, The two weeks' notice provided for in said chapter 8 was not, and could not be given, for want of time; and,

WHEREAS, Charles F. Schramm and A. M. Antrobus were elected to said *officers* [offices] at such election by an almost unanimous vote, and were so declared upon the official canvass on March 15th, 1880, and have taken the oath of office; and,

WHEREAS, Doubts have arisen in regard to the legality of said election, on account of insufficient notice; now, therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing clause.

SECTION 1. That the election referred to in the above preamble be and the same is hereby legalized and confirmed, the same as if all the provisions and prerequisites of the statute in regard to the same had been strictly and literally complied with.

Publication.

SEC. 2. That this act, being deemed of immediate importance, shall take effect immediately from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Hawk-Eye, a newspaper published at Burlington, Iowa, section 33 of the Code of Iowa to the contrary notwithstanding: *Provided*, That such publication shall be without expense to the state.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Hawk-Eye*, April 1, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 135.

### PENITENTIARY AT FORT MADISON.

H. F. 538.

AN ACT Making Appropriations for the Improvement of the Penitentiary at Fort Madison.

*Be it enacted by the General Assembly of the State of Iowa:*

\$26,060 appropriated.

SECTION 1. That there be and is hereby appropriated out of any money in the treasury, not otherwise appropriated, or so much thereof as may be necessary for the several objects herein-after named, to-wit:

\$9,500 for fire-proof roof.

For the purpose of providing an iron or fire-proof roof over the cell-house, the sum of nine thousand five hundred dollars—\$9,500. The roof to be put in in sections, so that the same can be raised if the state should at any time desire to do so.

\$4,000 for wash-house.

For the purpose of erecting a wash-house, the sum of four thousand dollars—\$4,000.

\$300 for clerk's office.

For the purpose of building an addition to the clerk's office, the sum of three hundred dollars—\$300.

For the purpose of general repairs, the sum of three thousand dollars—\$3,000. \$3,000 general repairs.

For the purpose of the transportation of discharged convicts, the sum of two thousand dollars—\$2,000. \$2,000 for transportation.

For the purchase of new furniture, carpets, etc., for warden's house, the sum of five hundred dollars—\$500. \$500 for furniture.

For the purchase of cook-range and tank, the sum of four hundred and fifty dollars—\$450. \$450 for kitchen.

For the purpose of steam heating for the penitentiary, the sum of six thousand dollars—\$6,000. \$6,000 for steam heating.

For the purpose of procuring books for library, the sum of three hundred dollars—\$300. \$300 for library.

*Provided*, That not to exceed one-half of the amount hereby appropriated shall be drawn during the year 1880. Proviso.

SEC. 2. The money hereby appropriated for the improvement of said penitentiary shall be expended under the direction of the warden, and in accordance with plans submitted to, and approved by, the executive council. How drawn.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 1, and in the *Iowa State Leader*, April 3, 1880.  
J. A. T. HULL, *Secretary of State*.

## CHAPTER 136.

### BADGE OF HONOR FOR DISCHARGED SOLDIERS.

AN ACT to Provide for a Badge of Honor, to be Given by the State of Iowa to every Honorably Discharged Soldier of the State, and to every Citizen of the State who Served in the Navy of the United States During the Rebellion. H. F. 533.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the executive council, the adjutant-general of the state of Iowa, the register of the state land office, be and are hereby appointed a commission to devise a design for, and report on the cost of, a badge of honor, to be given by the state of Iowa to every soldier enlisted in the state of Iowa and honorably discharged from the army; and also to every citizen of this state who served in the navy of the United States, and was hon- Commission to devise a design.

orably discharged therefrom, after having served his country therein during the late war of the rebellion.

Report to next  
G. A.

SEC. 2. That they be required to report thereon to the next general assembly of the state of Iowa, for action on their report.  
Approved, March 25, 1880.

## CHAPTER 137.

### TO PREVENT FRAUD IN SALE OF LARD.

H. F. 531.

AN ACT to Prevent Fraud in the Sale of Lard in Certain Cases.

*Be it enacted by the General Assembly of the State of Iowa:*

Requiring persons selling lard from hogs which have died of disease, to inform purchaser of such fact.

SECTION 1. That all persons or associations who shall engage in the business of selling lard rendered from swine that have died of hog cholera, or other diseases, shall, before selling or offering to sell any such lard, plainly stamp, print, or write upon the cask, barrel, or other vessel containing such lard, the words: "Lard from hogs which have died of disease"; or, if sold without such cask, barrel, or other receptacles, the purchaser shall be informed that the lard is from hogs which have died of disease.

For not giving such notice, fine or imprisonment.

SEC. 2. For a violation of the provisions of the foregoing section the offender shall, on conviction thereof, be punished by a fine not less than five dollars, nor exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days.

Publication.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the State Register and State Leader, newspapers published in Des Moines, Iowa.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 1, 1880, and in the *Iowa State Leader*, April 2, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 138.

## INCORPORATION OF RIVERTON LEGALIZED.

AN ACT to Legalize the Incorporation of the Town of Riverton, H. F. 424.  
Fremont county, Iowa.

WHEREAS, In May, 1876, all the steps necessary for the incor- Preamble.  
poration of the town of Riverton, Fremont county, Iowa, were  
taken, except the filing of the papers with the recorder and sec- Papers not filed.  
retary of state, as required by section 423 of the Code; and,

WHEREAS, Said town elected officers, passed ordinances, and  
did all the acts pertaining to the organization and government  
of incorporated towns, under the belief that said town had been  
duly incorporated; and,

WHEREAS, In February, 1879, all the necessary steps were Incorporated  
in 1879.  
taken and said town incorporated, in accordance with law; and,

WHEREAS, Doubts have arisen as to the validity of the acts  
of the officers of said town, and the ordinances passed by the  
council thereof; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all acts done by the officers of said town, Legalising  
clause.  
and all the ordinances passed by said town, be and the same are  
hereby legalized and binding, as fully to all intents and purposes  
as though said town had been legally incorporated in May, 1876.

Approved, March 25, 1880.

## CHAPTER 139.

## FORMATION OF INDEPENDENT SCHOOL DISTRICTS.

AN ACT in Relation to the Formation of Independent School Dis- H. F. 320.  
tricts. [Amendatory of Section 1800 of the Code.]

*Be it enacted by the General Assembly of the State of Iowa:*

Section 1. Section 1800. Any city, town, or village, con- Code, § 1800  
amended: 200  
inhabitants may  
constitute inde-  
pendent district.  
taining not less than two hundred inhabitants within its limits,  
may be constituted a separate school district, and territory con-  
tiguous to such city, town or village, may be included with it as  
a part of said separate district, in the manner hereinafter pro-  
vided. The village herein mentioned shall be understood to be a  
collection of inhabitants residing within the limits of a town  
plat and not organized into a city or incorporated town.

Approved, March 25, 1880.

## CHAPTER 140.

## CITIES AND TOWNS REFUNDING BONDED INDEBTEDNESS.

Sub. H. F. 308. AN ACT to authorize Cities and Towns Organized under Special Charters to Refund Outstanding Bonded Debt at a Lower Rate of Interest, and to Provide for the Payment of the Same.

*Be it enacted by the General Assembly of the State of Iowa:*

Extending provisions of Chap. 58 acts of 17th G. A. to cities and towns acting under special charters.

SECTION 1. That all cities and towns organized under special charters, are hereby vested with all the power and authority under such restrictions and provisions, as are "cities and towns," by and under the provisions of chapter 58 of the laws of the seventeenth general assembly; and for such purpose the words "cities and towns," wherever used in such chapter 58, shall be construed as including "cities" and "towns" when organized under special charters.

Publication

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 1, and in the *Iowa State Leader*, April 3, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 141.

## SOLDIERS' ORPHANS' HOME.

H. F. 340. AN ACT to Appropriate Funds to Erect and Furnish Buildings for the Soldiers' Orphans' Home, and Home for Indigent Children.

*Be it enacted by the General Assembly of the State of Iowa:*

\$26,000 appropriated.

SECTION 1. That there is hereby appropriated for the Soldiers' Orphans' Home, and Home for Indigent Children at Davenport, Iowa, the following sums for the purposes designated:

\$16,000 for new cottages.

For eight new cottages, sixteen thousand dollars (\$16,000).

\$4,000 for school building.

For the erection of one school building, four thousand dollars (\$4,000).

\$1,500 for general repairs.

For general repairs, one thousand five hundred dollars (\$1,500).



For the introduction and maintenance of mechanical and other industrial occupations for the instruction of the inmates, one thousand three hundred dollars (\$1,300).

For industrial occupation \$1,300.

For furniture, three thousand dollars (\$3,000).

Furniture \$3,000.

For library, two hundred dollars (\$200).

Library \$200.

*Provided*, That not more than one-half the sum above appropriated shall be drawn during the year 1880.

One half to be drawn in 1880.

SEC. 2. The said sums to be applied for the purposes designated, to be drawn by the trustees of the said home by proper order upon the auditor of state. In the case of building and furnishing new buildings, said order to be accompanied by vouchers verifying the expenditure under such head.

Drawn by trustees of said home.

SEC. 3. All contracts made for the buildings contemplated by this act shall be awarded upon bids advertised for during at least one month before such award is made, in not less than three newspapers published in this State.

Advertise for bids in three newspapers.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Publication.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 1, and in the *Iowa State Leader*, April 7, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 142.

### CERTIFICATION OF TRANSCRIBED RECORDS.

AN ACT to Amend Sections 1971 and 1974, Chapter 6, Title 13 of the H. F. 209. Code, Relating to the Duties of County Auditors.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That sections 1971 and 1974, of chapter 6, title XIII of the Code, be and the same is hereby amended by striking out the words "the county auditor, attested by the seal of the county," in the ninth and tenth lines of section 1971, and inserting in lieu thereof "the officer to whose office the original record belongs." Strike out the words "the auditor of the county to which," in the second and third lines of section 1974, and insert in lieu thereof the words "the officer to whose office." Strike out the words "under the county seal," in the sixth and seventh lines of section 1794.

Code §§ 1971 and 1974 amended.

Transcribed records to be attested by the officer having charge of the original records.

## Publication.

SEC. 2. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 1, and in the *Iowa State Leader*, April 3, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 143.

## IN RELATION TO COMMON SCHOOLS.

## H. F. 30.

AN ACT to Repeal Chapter 113 of the Acts of the Seventeenth General Assembly, and Amend Section 1802 as Amended by Chapter 27, Acts of the Fifteenth General Assembly.

*Be it enacted by the General Assembly of the State of Iowa:*

Chap. 113, acts  
of 17th G. A.  
repealed.

Code, § 1802  
amended so as  
to allow board  
to select secre-  
tary outside of  
the board.

SECTION 1. That chapter 113 of the laws of the seventeenth general assembly is hereby repealed.

SEC. 2. That section 1802 of chapter 27 of the laws of the fifteenth general assembly is hereby amended by striking out all of the sixteenth line after the word "secretary" and all of the seventeenth line as far and including the word "board," and insert in lieu of the clause stricken out the words "who may or may not be a member of the board, and a treasurer who shall not be a member of the board."

Publication  
clause.

SEC. 3. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, April 1, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 144.

## RELATING TO TAXES IN AID OF RAILROADS.

AN ACT to Amend Section 2 of Chapter 123 of the Acts of the Sixteenth General Assembly, Relative to the Time for Publishing Notices of Election for Voting Aid to Railways. S. F. 281.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 2 of chapter 123 of the acts of the sixteenth general assembly be amended as follows: By striking out the word "twenty" in the eleventh line of said section and inserting in lieu thereof the word "ten." § 2, Chap. 123, 16th G. A., amended: ten days' notice.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 27, and in the *Iowa State Leader*, March 31, 1880.  
J. A. T. HULL, *Secretary of State*.

## CHAPTER 145.

## INDEPENDENT SCHOOL DISTRICT OF FONDA LEGALIZED.

AN ACT to Legalize the Formation of the Independent School District of Fonda, in Pocahontas County, Iowa. H. F. 575.

WHEREAS, At an election held in the incorporated town of Fonda, in Pocahontas county, Iowa, in accordance with the provisions of law relating to the formation of independent school districts, it was unanimously decided to organize the town of Fonda and contiguous territory, into an independent school district; and, Preamble.

WHEREAS, Doubts have arisen as to the number of inhabitants within the corporate limits of said town of Fonda at the time of the election aforesaid; therefore, Number of inhabitants.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the formation of the independent school district of Fonda, in Pocahontas county, is hereby legalized; and Legalizing clause.

the official acts of the directors and officers performed in effecting such independent organization, and any and all official acts thereunder, are hereby declared valid and binding, in all respects, as fully as they would have been had the requirements of section 1800 of the Code of 1873 been fully complied with.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the *Iowa State Journal*, a newspaper published at Des Moines, Iowa, and the *Fonda News*, a newspaper published at Fonda, Iowa, *the published at Fonda, Iowa*, the publication to be without expense to the state.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Journal*, April 8, 1880, and in the *Pocahontas Times*, April 8, 1880. (The *Fonda News* having ceased publication.)

J. A. T. HULL, *Secretary of State*.

## CHAPTER 146.

### OFFICERS OF INCORPORATED TOWNS.

H. F. 392.

AN ACT to Repeal Section 512, Chapter 9, Laws of the Seventeenth General Assembly, and Enact a Substitute Therefor, and to Amend Sections 489 and 493 of the Code, as Re-enacted by Chapter 9, Laws of the Seventeenth General Assembly.

*Be it enacted by the General Assembly of the State of Iowa:*

Code, § 512 repealed and substitute enacted.

Mayor shall preside and have a vote.

Duties of the recorder.

SECTION 1. That section 512 of the Code, as re-enacted by chapter 9, of the laws of the seventeenth general assembly, is hereby repealed, and the following enacted in lieu thereof:

SEC. 512. The mayor shall preside at all meetings of the council, and shall have the right to vote upon all questions coming before the council. In the absence of the mayor the council shall elect one of their number to preside *pro tempore*. The recorder shall be clerk of the corporation, and shall attend all meetings of the council, and shall make a fair and accurate record of all proceedings, rules and ordinances made and passed by the council, and the same shall at all times be open to the inspection of the electors of the corporation, but in no event shall the recorder have the right to vote on any question before the council.

Code, § 489 amended.

Fixing number of trustees necessary to pass appropriation ordinances.

SEC. 2. Section 489 of the Code, is hereby amended by adding to the end of said section, the following:

"*Provided*, That in incorporated towns, ordinances and resolutions, or orders for the appropriation or payment of money, shall require for their passage or adoption, a concurrence of four trustees, or of three trustees and the mayor."

SEC. 3. Section 493 of the Code, is hereby amended by adding to the end of said section, the following:

Code, § 493 amended.

"*Provided*, That in incorporated towns, by-laws, ordinances, resolutions, or orders to enter into any contract, shall require for their passage or adoption a concurrence of four trustees, or of three trustees and the mayor."

Prescribing number of trustees to enter into contract.

SEC. 4. This act, being deemed of immediate importance, shall be in effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Publication clause.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 1, and in the *Iowa State Leader*, April 5, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 147.

### AGRICULTURAL FAIRS.

AN ACT to Amend Section 1114 of the Code, Prohibiting Gambling, Horse-racing, and the Sale of Intoxicating Liquors at Agricultural Fairs, so as to Apply to State Fairs.

Sub. H. Fa. 76 and 245.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 1114, chapter 4, title IX, of the Code of 1873, be and the same is hereby amended by inserting the words "or state," after the word "district," in the fourth line thereof.

Code, § 1114 amended: extending provisions to state.

Approved, March 26, 1880.

## CHAPTER 148.

### FEDERAL CENSUS.

AN ACT Providing for the Publication and Distribution of the Census of the State of Iowa, for 1880, and for Payment of the Same.

H. F 510.

WHEREAS, By the law of congress providing for taking the federal census of 1880, it is made the duty of each of the supervisors of the several census districts in this state to furnish the complete compilation and returns of such district to the secretary of state of the state of Iowa; and,

Preamble. Supervisors to furnish compilation to secretary of state.

No provisions  
in state law for  
publication.

WHEREAS, Existing statutes make no provision for the publication of such census by the state, and believing the publication of such statistics to be both wise and expedient; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Secretary of  
state to have  
published.

SECTION 1. That the secretary of state be and he is hereby authorized to have such part of said census returns as may be of general interest, together with such other matter as may be deemed expedient by the executive council, published in suitable form for general distribution, at as early a day as possible after receiving the returns. Expenses incurred in carrying out the provisions of this act shall be certified by the secretary of state, and audited by the executive council.

Executive  
council.

How paid.

Number of  
copies.

SEC. 2. The number of copies to be printed shall be determined by the executive council.

Distribution.

SEC. 3. The copies so published shall be distributed by the secretary of state as follows:

Ten copies to each state officer, one of which shall be retained in the office; twenty-five copies to each member of the general assembly, to be distributed in their respective districts; one copy to each county auditor and clerk, to belong to said offices; one copy to each newspaper in the state; one copy to each state institution, to remain therein; one to each member of the several boards of trustees of the state institutions, and one to each officer of such institutions who is required by law to make report; one copy to each supreme judge, district judge, circuit judge, and district attorney; five copies to each college in the state; two hundred copies to the state library for exchange; one hundred copies to the state agricultural society; one hundred copies to the state historical society; one hundred copies to the state horticultural society; and the remainder to be placed under the control of the executive council for distribution as may be most beneficial to the state.

Approved, March 26, 1880.

## CHAPTER 149.

### LEASING CONVICT LABOR AT THE IOWA PENITENTIARY.

S. F. 225.

AN ACT to Provide for Leasing the Convict Labor at the Penitentiary of the State, and to Repeal Chapter 110 of the Acts of the Seventeenth General Assembly.

*Be it enacted by the General Assembly of the State of Iowa:*

Warden and  
executive coun-  
cil to lease labor  
for not more  
than 10 years.

SECTION 1. The warden, with consent of the executive council, is hereby authorized and required to make contracts for the labor of convicts at the penitentiary of the state, at Fort Madi-

son, for such time, not exceeding ten years, and at such prices as to said council may seem to be for the best interests of the state.

SEC. 2. The warden, with the approval of the executive council, is further authorized to modify or cancel any existing contracts in relation to the labor of convicts, with the consent of contracting parties.

May modify or cancel existing contracts.

SEC. 3. Chapter 110 of the acts of the seventeenth general assembly is hereby repealed.

Repealing Chap. 110, acts 17th G. A.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, and the Fort Madison Plaindealer, a newspaper published at Fort Madison, Iowa.

Publication clause.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 2, and in the *Fort Madison Plaindealer*, April 9, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 150.

### PUBLICATION OF THE SCHOOL LAWS.

AN ACT to Repeal Section 1579 of the Code, and Enact a Substitute therefor, to Provide for the Publication and Distribution of the School Laws. Sub. S. F. 139.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 1579 of the Code is hereby repealed, and the following enacted in lieu thereof: "After the adjournment of the eighteenth general assembly, and every four years thereafter, if deemed necessary, he may cause to be printed and bound in cloth the school laws and all amendments thereto, with such notes, rulings, forms and decisions as may seem of value to aid school officers in the proper discharge of their duties. Appropriate reference shall be made to the previous law that has been amended or changed, so as clearly to indicate the effect of such amendments or changes. He shall send to each county superintendent a number of copies sufficient to supply each school district in his county with one copy of such school laws, with decisions. He shall also cause to be printed and bound in paper covers the school laws, with notes and with forms necessary to be used in carrying out the school laws. The distribution of these laws in paper covers shall be made through the county

Code, § 1579, repealed and substitute enacted.

What to contain.

Distribution.

Secretary and  
auditor of state  
to fix price.

auditors, under the direction of the secretary and auditor of state, who shall determine the price, covering the cost to the state, at which they shall be sold to any party: *Provided*, That he shall furnish each of the members of the boards of directors with one copy of the laws bound in paper covers, which shall be turned over to their successors in office.

Shall publish  
Amendments of  
school laws,  
when.

SEC. 2. After such sessions of the general assembly as [if] the state superintendent shall not deem it necessary to publish the laws as provided for in section one of this act, he shall cause to be published in pamphlet form all the amendments to the school laws passed by such general assembly, in sufficient numbers to supply each of the county superintendents and school officers of the state with one copy free of charge, which said amendments shall be sent to the several county superintendents for distribution.

Publication.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 2, and in the *Iowa State Leader*, April 5, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 151

### STATE BOARD OF HEALTH AND VITAL STATISTICS.

Sub. S. F. 98.

AN ACT to Establish a State Board of Health in the State of Iowa, to Provide for Collecting Vital Statistics, and to Assign Certain Duties to Local Boards of Health, and to Punish Neglect of Duties.

*Be it enacted by the General Assembly of the State of Iowa:*

Appointment  
of board.

SECTION 1. That the governor, with the approval of the executive council, shall appoint nine (9) persons, one of whom shall be the attorney-general of the state (by virtue of his office), one a civil engineer, and seven (7) physicians, who shall constitute a state board of health. The persons so appointed shall hold their

Terms of office.

offices for seven (7) years: *Provided*, that the terms of office of the seven physicians first appointed shall be so arranged by lot that the term of one shall expire on the thirty-first (31st) day of January of each year; and the vacancies thus occasioned, as well as all other vacancies otherwise occurring, shall be filled by the governor, with the approval of the executive council.

Power of board.

SEC. 2. The state board of health shall have the general supervision of the interests of the health and life of the citizens



of the state. They shall have charge of all matters pertaining to quarantine; they shall supervise a state registration of marriages, births and deaths, as hereinafter provided; they shall have authority to make such rules and regulations and such sanitary investigations as they may, from time to time, deem necessary for the preservation or improvement of the public health; and it shall be the duty of all police officers, sheriffs, constables, and all other officers of the state, to enforce such rules and regulations, so far as the efficiency and success of the board may depend upon their official co-operation.

SEC. 3. The clerk of the district and circuit courts of each of the several counties in the state shall be required to keep separate books for the registration of the names and post-office address of physicians and midwives, for births, for marriages, and for deaths, which record shall show the names, date of birth, death or marriage; the names of parents and sex of the child, when a birth, and when a death, shall give the age, sex and cause of death, with the date of the record, and the name of the person furnishing the information. Said books shall always be open for inspection without fee; and the clerks of said courts shall be required to render a full and complete report of all births, marriages and deaths to the secretary of the board of health annually, on the first day of October of each year, and at such other times as the board may direct.

Duties of clerks of courts.

Books shall be open for inspection.

Report.

SEC. 4. It shall be the duty of the board of health to prepare such forms for the record of births, marriages and deaths as they may deem proper; the said forms to be furnished by the secretary of said board to the clerks of the district and circuit courts of the several counties, whose duty it shall be to furnish them to such persons as are herein required to make reports.

Duties of state board.

SEC. 5. It shall be the duty of all physicians and midwives in this state to register their names and post-office address with the clerk of the district and circuit courts of the county where they reside; and said physicians and midwives shall be required, under penalty of ten dollars (\$10), to be recovered in any court of competent jurisdiction in the state at suit of the clerk of the courts, to report to the clerk of the courts, within thirty (30) days from the date of their occurrence, all births and deaths which may come under their supervision, with a certificate of the cause of death, and such other facts as the board may require, in the blank forms furnished, as hereinafter provided.

Duties of physicians and midwives.

Penalty for failure.

SEC. 6. When any birth or death shall take place, no physician or midwife being in attendance, the same shall be reported by the parent to the clerk of the district and circuit courts within thirty (30) days from the date of its occurrence, and if a death, the supposed cause of death, or, if there be no parent, by the nearest of kin not a minor, or, if none, by the resident householder where the birth or death shall have occurred, under penalty provided in the preceding section of this act. Clerks of the district and circuit courts shall annually, on the first day of

Parent to report, when.

Clerks to report to secretary of state board.

October of each year, send to the secretary of the state board of health a statement of all births and deaths recorded in their offices for the year preceding said date, under a penalty of twenty-five dollars (\$25) in case of failure.

Coroners shall report.

SEC. 7. The coroners of the several counties shall report to the clerk of the courts all cases of death which may come under their supervision, with the cause or mode of death, etc., as per form furnished, under penalty as provided in section 5 of this act.

Special fund.

SEC. 8. All amounts recovered under the penalties of this act shall be appropriated to a special fund for carrying out the object of this law.

Meeting and organization of board.

SEC. 9. The first meeting of the board shall be within twenty days after its appointment, and thereafter in May and November of each year, and at such other times as the board shall deem expedient. The November meeting shall be in the city of Des Moines. A majority of the members of the board shall constitute a quorum. They shall choose one of their number to be president, and shall adopt rules and by-laws for their government, subject to the provisions of this act.

Election and salary of secretary.

SEC. 10. They shall elect a secretary, who shall perform the duties prescribed by the board and by this act. He shall receive a salary, which shall be fixed by the board, not exceeding \$1,200 per annum. He shall, with the other members of the board, receive actual traveling and other necessary expenses incurred in the performance of official duties; but no other member of the board shall receive a salary. The president of the board shall quarterly certify the amount due the secretary, and on presentation of said certificate the auditor of state shall draw his warrant on the state treasurer of [for] the amount.

Biennial report to the governor.

SEC. 11. It shall be the duty of the board of health to make a biennial report, through their secretary or otherwise, in writing, to the governor of the state, on or before the first (1st) day of December of each year preceding that in which the general assembly meets; and such report shall include so much of the proceedings of the board, such information concerning vital statistics, such knowledge respecting diseases, and such instruction on the subject of hygiene as may be thought useful by the board, for dissemination among the people, with such suggestions as to legislative action as they may deem necessary.

\$5,000, annually appropriated.

SEC. 12. The sum of five thousand dollars (\$5,000) per annum, or so much thereof as may be necessary, is hereby appropriated to pay the salary of the secretary, meet the contingent expenses of the office of the secretary and the expenses of the board, and all costs of printing, which together shall not exceed the sum hereby appropriated. Said expenses shall be certified and paid in the same manner as the salary of the secretary. The secretary of state shall provide rooms suitable for the meetings of the board and office-room for the secretary of the board.

Secretary of state provide rooms.

SEC. 13. The mayor and aldermen of each incorporated city, the mayor and council of any incorporated town or village in the state, or the trustees of any township, shall have and exercise all the powers and perform all the duties of a board of health within the limits of the cities, towns and townships of which they are officers.

Mayors, aldermen, trustees—local boards of health.

SEC. 14. Every local board of health shall appoint a competent physician to the board, who shall be the health officer within its jurisdiction, and shall hold his office during the pleasure of the board. The clerks of the townships and the clerks and recorders of cities and towns shall be clerks of the local boards. The local boards shall also regulate all fees and charges of persons employed by them in the execution of the health laws and of their own regulations.

Local boards appoint physician and regulate fees.

SEC. 15. It shall be the duty of the health physician of every incorporated town, and also the clerk of the local board of health in each city or incorporated town or village in the state, at least once a year to report to the state board of health their proceedings, and such other facts required, on blanks and in accordance with instructions received from said state board. They shall also make special reports whenever required to do so by the state board of health.

Report of physician and clerk of local boards.

SEC. 16. Local boards of health shall make such regulations respecting nuisances, sources of filth and causes of sickness within their jurisdiction and on board any boats in their ports or harbors as they shall judge necessary for the public health and safety; and if any person shall violate any such regulations, he shall forfeit a sum of not less than twenty-five [dollars] (\$25) for every day during which he knowingly violates or disregards said rules and regulations, to be recovered before any justice of the peace or other court of competent jurisdiction.

Regulation respecting nuisances.

Penalty for violating regulations.

SEC. 17. The board of health of any city or incorporated town or village shall order the owner of any property, place or building (at his own expense) to remove any nuisance, source of filth or cause of sickness found on private property, within twenty-four (24) hours, or such other time as is deemed reasonable, after notice served as hereinafter provided; and if the owner or occupant neglects to do so, he shall forfeit a sum not exceeding twenty dollars (\$20) for every day during which he knowingly and willfully permits such nuisance or cause of sickness to remain after the time prescribed for the removal thereof.

Duty of local boards.

Penalty for refusing to abate nuisance.

SEC. 18. If the owner or occupant fails to comply with such order, the board may cause the nuisance, source of filth or cause of sickness to be removed, and all expenses incurred thereby shall be paid by the owner, occupant or other person who caused or permitted the same, if he has had actual notice from the board of health of the existence thereof, to be recovered by civil action in the name of the state before any court having jurisdiction.

Power of local board.

SEC. 19. The board, when satisfied upon due examination, that any cellar, room, tenement, or building in its town, occupied as a

To purify dwellings.

May remove  
occupants.

dwelling-place, has become, by reason of the number of occupants, or want of cleanliness, or other cause, unfit for such purpose, and a cause of nuisance or sickness to the occupants or the public, may issue a notice in writing to such occupants, or any of them, requiring the premises to be put in a proper condition as to cleanliness, or, if they see fit, requiring the occupants to remove or quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the board may cause the premises to be properly cleaned at the expense of the owners, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place without permission in writing of the board.

Can enter place,  
building or  
vessel to remove  
or prevent  
nuisance.

SEC. 20. Whenever the board of health shall think it necessary for the preservation of the lives or health of the inhabitants to enter a place, building or vessel in their township, for the purpose of examining into and destroying, removing or preventing any nuisance, source of filth or cause of sickness, and shall be refused such entry, any member of the board may make complaint, under oath, to any justice of the peace of his county, whether such justice be a member of the board or not, stating the facts of the case, so far as he has knowledge thereof. Such justice shall thereupon issue a warrant, directed to the sheriff or any constable of the county, commanding him to take sufficient aid, and, being accompanied by two or more members of said board of health, between the hours of sunrise and sunset, repair to the place where such nuisance, source of filth, or cause of sickness complained of may be, and the same destroy, remove, or prevent, under the direction of such members of the board of health.

Justice shall  
issue warrant.

To guard  
against small-  
pox and other  
infectious dis-  
eases.

SEC. 21. When any person coming from abroad, or residing within any city, town or township within this state, shall be infected, or shall lately have been infected with small-pox, or other sickness dangerous to the public health, the board of health of the city, town or township where said person may be, shall make effectual provision, in the manner in which they shall judge best, for the safety of the inhabitants, by removing such sick or infected person to a separate house, if it can be done without damage to his health, and by providing nurses and other assistance and supplies, which shall be charged to the person himself, his parents or other person who may be liable for his support, if able; otherwise at the expense of the county to which he belongs.

Shall provide  
for infected  
persons.

Make provision  
for infected  
persons, when  
cannot be  
moved.

SEC. 22. If any infected person cannot be removed without damage to his health, the board of health shall make provision for him, as directed in the preceding section, in the house in which he may be, and in such case they may cause the persons in the neighborhood to be removed, and may take such other measures as may be deemed necessary for the safety of the inhabitants.

SEC. 23. Any justice of the peace, on application under oath showing cause therefor by a local board, or any member thereof, shall issue his warrant under his hand, directed to the sheriff or any constable of the county, requiring him, under the direction of the board of health, to remove any person infected with contagious diseases, or to take possession of condemned houses and lodgings, and to provide nurses and attendants, and other necessities for the care, safety and relief of the sick. Duties of justices of the peace.

SEC. 24. Local boards of health shall meet for the transaction of business on the first Monday of May and the first Monday in November of each year, and at any other time that the necessities of the health of their respective jurisdictions may demand; and the clerk of each board shall transmit his annual report to the secretary of the state board of health within two weeks after the November meeting. Said report shall embrace a history of any epidemic disease which may have prevailed within his district. The failure of the clerk of the board to prepare, or cause to be prepared, and forward such report as above specified, shall be considered a misdemeanor, for which he shall be subject to a fine of not more than twenty-five dollars (\$25). Meetings and report of local boards.

SEC. 25. All laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 26. This act, being deemed of immediate importance, shall take effect and be in force from and after its passage, and publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 1, and in the *Iowa State Register*, April 3, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 152.

### APPEALS FROM COMMISSIONERS OF INSANITY.

AN ACT Providing for Appeals from the Findings of the Commissioners of Insanity, and to Amend Section 1401 of Chapter 2, Title 11, of the Code. H. F. 54.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That any person found to be insane by the commissioners of insanity may appeal to the circuit court by giving the clerk of said court notice in writing that he or she appeals from said finding, which notice may be signed by the party, his or her attorney, agent, or guardian. Any person found insane has right of appeal.

To be taken in  
10 days.

Docketed in  
circuit court.

Person appeal-  
ing to be dis-  
charged or  
suitably pro-  
vided for.

Discharged.

Committed.

Clerk to issue  
warrant.

Code, § 1401  
amended.

SEC. 2. Such appeal may be taken at any time within ten (10) days after the filing of the finding of said commissioners.

SEC. 3. The cause, when thus appealed, shall be placed upon the docket by the clerk of said court, and stand for trial anew in the circuit court.

SEC. 4. If any person found to be insane by the commissioners of insanity takes an appeal from such finding, such person shall be discharged from custody pending such appeal, unless the commissioners, for any reason, find that such person cannot, with safety, be allowed to go at large, in which case they shall require that such patient shall be suitably provided for, as provided in section 1403 of the Code, until such appeal can be tried and determined.

SEC. 5. If, upon the trial, such person is found not insane, the court shall order his or her immediate discharge, if in custody. If such person is found to be insane, and a fit subject for custody and treatment in the hospital, the court shall order that such person be committed to the hospital, and the clerk of the court shall issue a warrant to carry said finding and order into effect; which warrant, and the proceedings on and under it, shall be substantially the same as are provided for in section 1401 of chapter 2, title 11, of the Code.

SEC. 6. That section 1401 of chapter 2 of title 11 of the Code be amended by inserting, after the word "hospital" in the tenth line thereof, the words: "They shall order said person to be committed to the hospital" and "unless said person so found to be insane (or some one in his or her behalf) shall appeal from the finding of said commissioners."

Approved, March 26, 1880.

## CHAPTER 153.

### TO PROTECT DEPOSITORS AND PUNISH FRAUDULENT BANKING.

H. F. 180.

AN ACT to Protect Depositors in Banks and Banking Institutions, and to Punish Fraudulent Banking.

*Be it enacted by the General Assembly of the State of Iowa:*

Shall not re-  
ceive deposits  
when insolvent.

SECTION 1. That no bank, banking-house, exchange broker, deposit office, or firm, company, corporation, or party, engaged in the banking, broker, exchange, or deposit business shall accept or receive on deposit, with or without interest, any moneys, bank bills, or notes, or United States treasury notes, or currency, or other notes, bills, or drafts circulating as money or currency, when such bank, banking-house, exchange, broker, or deposit office, firm or party, is insolvent.

SEC. 2. If any such bank, banking-house, exchange, broker, or deposit office, firm, company, corporation, or party, shall receive or accept on deposit any such deposits as aforesaid, when insolvent, any officer, director, cashier, manager, member, party, or managing party thereof, knowing of such insolvency, who shall knowingly receive or accept, be accessory, or permit, or connive at the receiving or accepting on deposit therein, or thereby, any such deposits as aforesaid, shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for a term not to exceed ten years, or by imprisonment in the county jail not to exceed one year, or both fine and imprisonment, the fine not to exceed ten thousand dollars.

Guilty of felony if deposits are received when insolvent.

Punished by imprisonment of 10 years or by fine and imprisonment.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and the Iowa State Leader, newspapers published at Des Moines, Iowa.

Publication.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 2, and in the *Iowa State Leader*, April 3, 1880.  
J. A. T. HULL, *Secretary of State*.

## CHAPTER 154.

### GOOD TIME OF CONVICTS AT PENITENTIARIES OF THE STATE.

AN ACT to Equalize the Good Time that may be Earned by Convicts at the Penitentiaries, Amendatory of Section 4754 of the Code, and of Chapter 43 of the General and Public Laws of the Fourteenth General Assembly, Chapter 40 of the Acts of the Sixteenth General Assembly, and Chapter 187 of the Acts of the Seventeenth General Assembly. H. F. 305.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the deputy warden of the penitentiary of the state at Fort Madison, and the warden of the additional penitentiary at Anamosa, shall each keep a book in which shall be entered a record of every infraction by a prisoner of the published rules of discipline, with the name of the prisoner guilty. Every prisoner sentenced to either of said penitentiaries for a term of years, or less, who shall have, at the end of the first month, no infraction of discipline recorded against him, shall be entitled to a diminution of one day from the time he was sentenced to such penitentiary, and if at the end of the second month no infraction of the rules be recorded against him he shall be entitled to two additional days of diminution from his sentence; and if he shall continue to have no such record against him for the third month,

Defining duties of deputy wardens.

Diminution of time of convicts.

Restored to rights of citizenship.

Warden to discharge convict on expiration of term of service less diminution earned.

Does not affect good time heretofore earned.

Prisoners transferred from Anamosa, entitled to good time.

Code, § 4754, and § 1, Chap. 187, 17th G. A. amended: § 12, Chap. 43, 14th G. A. repealed.

Publication.

his time shall be shortened three additional days; and if he shall so continue to have no such record against him for the fourth month, his time shall be shortened four additional days; and if he shall so continue for subsequent months, he shall be entitled to five days' diminution of time from his sentence for each month he shall so continue his good behavior; and if any prisoner shall so pass the whole term of his service, he shall be entitled to a certificate thereof from the warden, and upon presentation thereof to the governor, he shall be entitled to a restoration of the rights of citizenship that may have been forfeited by his conviction and sentence; and it shall be the duty of the warden to discharge such convict from such penitentiary when he shall have served the time of his service less the number of days he may be entitled to have deducted therefrom, in the same manner as if no such deduction had been made.

SEC. 2. This act shall not be construed so as to increase the good time earned by prisoners in the penitentiary of the state at Fort Madison prior to the act going into effect: *Provided, however*, that prisoners transferred to said penitentiary from the additional penitentiary at Anamosa shall be entitled to the same allowance for good time that they would have been allowed at said additional penitentiary.

SEC. 3. Section 4754 of the Code is amended by striking therefrom all after the word "day" in the tenth line thereof; and section 1 of chapter 187 of the acts of the seventeenth general assembly is amended by striking therefrom all after the word "day" in the ninth line thereof; section 12 of chapter 43 of the general and public laws of the fourteenth general assembly is hereby repealed.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Journal, newspapers published at the seat of government.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *State Journal* April 1, and in the *Iowa State Register* April 2, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 155.

### TO PAY SAMUEL GREEN.

H. F. 429.

AN ACT Appropriating \$43.55 to Pay Samuel Green for Iron Castings for the Iowa Reform School.

*Be it enacted by the General Assembly of the State of Iowa:*

\$43.50 appropriated.

SECTION 1. That there be and there is hereby appropriated out of any money in the state treasury not otherwise appropri-



ated, the sum of forty-three dollars and fifty cents to pay Samuel Green, of Des Moines, Iowa, for iron castings furnished by him to the state of Iowa for the Iowa Reform School building at Eldora, Iowa, in the month of August, 1877.

Approved, March 26, 1880.

## CHAPTER 156.

### ASSISTANT FISH COMMISSIONER.

AN ACT to Provide for an Assistant Fish Commissioner.

Sub. H. F. 225.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the governor of the state is hereby authorized and required to appoint an assistant fish commissioner, who shall act under the direction and supervision of the present fish commission[er], who during his term of office shall make his residence in Dickinson county. The duties of said [assistant] fish commissioner shall be to establish and maintain an establishment for hatching fish at some suitable place in said Dickinson county, and to distribute the various products of said establishment in the waters of Iowa generally; and, under the direction of the present fish commission[er], it shall be his duty to attend to the enforcement of the protective fish laws, and supervise the fish interests of that section of the state. Said assistant fish commissioner shall hold his office for the term of two years and until his successor is elected and qualified, and shall receive, as full compensation for his services, the sum of six hundred dollars per year, which salary shall be paid out of the state treasury out of any moneys not otherwise appropriated; and said salary shall be paid only upon the order of the executive council, after it is made to appear to said council that the work of hatching and rearing fish is being successfully carried on at said establishment; and the work of hatching and rearing fish at said establishment shall be without further expense to the state other than the salary of said assistant fish commissioner.

Governor to appoint.

Duties of and residence.

Distribution of fish.

Term of office.

Compensation.

Paid on order of executive council.

Approved, March 26, 1880.

## CHAPTER 157.

## COLLEGE FOR THE BLIND.

Sub. H. F. 436. AN ACT Making Appropriations for the College for the Blind.

*Be it enacted by the General Assembly of the State of Iowa:*

\$3,000 appropriated for repairs, etc.

SECTION 1. That there is hereby appropriated for the College for the Blind the following sums, for the following purposes, to-wit:

For repairs on engine-house, boilers, pumps and steam heating apparatus [apparatus], \$1,000.

For cattle-barn and hog-house, \$1,000.

For supplying and keeping in repair musical instruments, \$500.

For general repairs, removing ceilings and re-plastering the same, \$500.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 2, and in the *Iowa State Leader*, April 6, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 158.

## INDEPENDENT SCHOOL DISTRICT OF CARPENTER LEGALIZED.

H. F. 444.

AN ACT to Legalize the Organization and Acts of the Independent School District of Carpenter, Consisting of Territory in the Counties of Mitchell and Worth, Iowa.

Preamble.

WHEREAS, At an election held in the village of Carpenter, Mitchell county, Iowa, on February 7th, 1880, it was unanimously decided to organize the village of Carpenter and contiguous territory into an independent school district; and,

Doubts as to the number of inhabitants.

WHEREAS, Doubts have arisen as to the number of inhabitants within the village of Carpenter and the territory included in the limits of said district being equal to the number required by law; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the organization and acts of the independent school district of Carpenter, consisting of the whole of sections 6 and 7, the w.  $\frac{1}{4}$  of section 5, the w.  $\frac{1}{4}$  of section 8, the n.  $\frac{1}{4}$  of section 18, and the w.  $\frac{1}{4}$  of the n.  $\frac{1}{4}$  of section 17, all in the township of Newburg, Mitchell county, Iowa, and the n.  $\frac{1}{4}$  of the n. e.  $\frac{1}{4}$  of section 13, Barton township, Worth county, Iowa, be and the same is hereby declared legal, binding, and valid in the organization of said district and the election of its officers, the same as if the law had been fully complied with in said organization and election. Legalizing clause.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Mitchell County Press, a newspaper published at Osage, Iowa, without expense to the state. Publication.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 3, and in the *Mitchell County Press*, April 8, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 159.

### OFFICIAL ACTS OF FRANK PENNEY LEGALIZED.

AN ACT to Legalize the Official Acts of Frank Penney, as a Member H. F. 525. of the Board of Supervisors of Mitchell County, Iowa.

WHEREAS, Frank Penney, a former subject of Great Britain Preamble. [Britain], came to Mitchell county, Iowa, and took out his first naturalization papers in 1857, and believing that qualified him as a citizen of the United States and the state of Iowa, to vote, hold office and perform the other duties of a citizen, he failed to take out his second papers; and,

WHEREAS, He was elected a member of the board of supervisors of Mitchell county in 1867, and performed the duties of that office from January 1st, 1868, to January 1st, 1870, and was again elected a member of the board of supervisors of Mitchell county in the year 1873, and performed the duties of that office from January 1st, 1874, to January 1st, 1877; therefore, Served on board of supervisors before naturalisation.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all the official acts of Frank Penney as a member of the board of supervisors of Mitchell county, Iowa, from January 1st, 1868, to January 1st, 1870, and from January Legalizing clause.

1st, 1874, to January 1st, 1877, be and the same are hereby declared legal, valid and binding, to the same extent as if said Frank Penney had fully complied with the naturalization laws of the United States, and had been fully qualified by law to hold said office.

**Publication.**

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Mitchell County Press, a newspaper published at Osage, Mitchell county, Iowa, without expense to the state.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 6, and *Mitchell County Press*, April 8, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 160.

### INCORPORATION OF THE SURPRISE SILVER MINING COMPANY LEGALIZED.

**H. F. 587.**

AN ACT to Legalize the Incorporation of the Surprise Silver Mining Company.

**Preamble.**

Incorporated  
in 1879.

WHEREAS, The Surprise Silver Mining Company was incorporated at Red Oak Junction, in Montgomery county, Iowa, under the general incorporation laws of the state of Iowa, on the 18th day of November, A. D. 1879; and,

**Not recorded.**

WHEREAS, The said Surprise Silver Mining Company neglected and failed to have its articles of incorporation recorded, as required by law, until the 16th day of January, A. D. 1880; now, therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

**Legalising  
clause.**

SECTION 1. That the incorporation of the said silver mining company, and all the acts done and performed, and all the contracts made by and with said company, be hereby declared legalized, and declared valid and binding, as if the said articles of incorporation had been recorded on said 18th day of November, A. D. 1879.

Approved, March 26, 1880.

## CHAPTER 161.

## ELECTION OF TOWNSHIP OFFICERS.

AN ACT to Further Amend Section 391 [591], Chapter One (1), Title Five (V), of the Code, Relating to the Election of Township Officers. H. F. 175.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That at the general election in the year 1880, and biennially thereafter, there shall be elected in each civil township of the state by the qualified electors thereof, in the manner prescribed by law, one township clerk, one assessor, and one highway supervisor for each highway district, who shall hold their offices for the term of two years and until their successors are elected and qualified. Election of clerk, assessor and highway supervisors for two years.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repealing clause.

Approved, March 26, 1880.

## CHAPTER 162.

## FOREIGN WILLS.

AN ACT Relating to Conveyances of Real Estate by Foreign Executors and Trustees, and to Amend Section 2352 of the Code of Iowa. Sub. S. F. 6.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 2352 of the Code of Iowa be amended by adding at the end thereof the following, to-wit: *Provided*, That where, by any will first admitted to probate in any other state or country and then admitted to probate in Iowa, the executors or trustees under said will are empowered to sell and convey real estate, then upon the production of and recording in the proper probate record a copy of the original record of the appointment, qualification and giving bond, unless such bond was waived in the will, of such executors or trustees by the foreign court granting the original probate of the will, duly authenticated in the same manner as foreign wills are required to be, then, in conformity with the power granted in such wills, such executors or trustees may sell and convey real estate within any county in this state where such probate of will and proof of Code, § 2352 amended.  
Executors or trustees may sell real estate when a copy of original record, duly authenticated, is recorded in the county where real estate is situated.

- Such sale to have same force as if made by executors qualified in this state. Except when.
- No sale to be made until three months after recording authenticated copy of will, etc.
- Legalizing conveyances heretofore made, when.
- Shall not affect adverse rights.
- Publication.
- qualification may be so of record without further qualifying in this state, and without reporting such sale to the circuit courts in this state for approval; and such sales and conveyances shall have the same force and validity as if made by executors and trustees duly qualified within this state and reported to, and approved by the circuit courts: unless at the time of the execution and delivery of said deed, letters testamentary or of administration upon the estate of such decedent shall have been granted in this state and remain in force and unrevoked, and due notice of such letters be given in such county in this state, if other than the one in which such letters were originally granted here, as required by section 2629 of the Code, in reference to actions affecting real estate; in which case any conveyance made shall be subject to all the rights acquired under the appointment and letters granted in Iowa: *Provided*, That no such conveyance shall be made by such executor or trustee until three months after the recording of a duly authenticated copy of the will, original record of appointment, qualification and bond (unless bond was waived in the will) in the proper probate record of the county where the land is situated.
- SEC. 2. That all conveyances heretofore made by foreign executors or trustees in which the requirements of this act have been complied with, or in which such proof of authority at the date of conveyance shall be hereafter made of record as provided in section 1 of this act, are hereby declared to be legal and valid in law and equity from the date of such deed: *Provided*, That the provisions of this section shall in no manner affect adverse rights vested at the date of such conveyance and prior to the taking effect of this act, or the performing the additional requirements of this section.
- SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 2, and in the *Iowa State Leader*, April 7, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 163.

## RIGHT OF APPEAL FROM JUSTICE OF THE PEACE.

AN ACT Limiting the Amount on which Appeals may be Taken on s. f. 93.  
Trials before Justices of the Peace to the Circuit Court in Civil  
Cases: [Amending Section 3575 of the Code of 1873.]

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 3575 of title XXI, chapter one of the Code of 1873, is hereby amended by adding at the end of said section the words following: "But no appeal shall be allowed in any case when the amount in controversy does not exceed twenty-five dollars." Code, § 3575 amended: appeals allowed only when amount is over \$25.

Approved, March 26, 1880.

## CHAPTER 164.

## ASYLUM FOR FEEBLE-MINDED CHILDREN.

AN ACT to Amend Section 1, Chapter 152 of the Laws of the Sixteenth General Assembly, Relative to Asylum for Feeble-Minded. s. f. 264.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 1, chapter 152 of the laws of the sixteenth general assembly, is hereby repealed, and the following enacted in lieu thereof: § 1, Chap. 152, acts of 16th G. A. repealed and substitute enacted.

SECTION 1. That there is hereby established at Glenwood, in Mills county, in this state, an institution to be known as the asylum for feeble-minded children, and the property of the state at that point, including buildings and grounds heretofore used for the western branch of the Iowa soldiers' orphans' home, shall be used for that purpose. Said institution shall be under the management of a board of trustees, consisting of three persons, two of whom shall constitute a quorum for business. Said trustees shall be elected by the general assembly, one of whom shall be elected for two years, one for four years, and one for six years; and each general assembly shall hereafter elect one trustee for six years. Buildings. Management.

SEC. 2. The expense of transmission of pupils to the asylum, and all clothing required for the same, shall be paid by the county sending them, when such pupils are reported [supported] by the state, in all other cases by the parents or guardians. Expense of transmission of pupils.

Repealing  
clause.  
Publication.

SEC. 3. All acts in conflict with this act are hereby repealed.

SEC. 4. *The* [this] act, being of immediate importance, shall take effect from and after its passage and publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 2, and in the *Iowa State Leader*, April 3, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 165.

### RELATING TO SUPPORT OF THE BLIND.

S. F. 279.

AN ACT to Amend Chapter 72, Laws of the Seventeenth General Assembly, Relating to Support of the Blind.

*Be it enacted by the General Assembly of the State of Iowa:*

Chap. 72, acts  
17th G. A.  
amended: re-  
duction of  
support fund.

SECTION 1. That section 2, of chapter 72, laws of the seventeenth general assembly, be and are hereby amended by striking the words "thirty-six" out of the third line thereof and inserting the word "thirty-two" in lieu thereof.

Approved, March 26, 1880.

## CHAPTER 166.

### GENERAL APPROPRIATION.

H. F. 594.

AN ACT Making Appropriations for the Payment of State and Judicial Officers, and Certain Expenses of the General Assembly.

*Be it enacted by the General Assembly of the State of Iowa:*

Amount appro-  
priated suffi-  
cient to pay  
salaries.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, an amount sufficient to pay the salaries of the various officers whose salaries are now fixed by law, and payable from the state treasury; and the auditor of state shall draw warrants therefor in favor of the officers entitled thereto, in monthly installments when not otherwise provided by law.



SEC. 2. There is hereby further appropriated from the state treasury for the term of two years, ending March 31st, 1882, the following amounts or so much thereof as shall be necessary, to-wit: *Provided*, that on the first day of April succeeding the meeting of each regular session of the general assembly, all moneys appropriated hereby and remaining undrawn belonging to the several funds hereinafter mentioned, shall be covered into the treasury.

Further appropriations.

SEC. 3. The amounts hereinafter named or so much thereof as may be necessary, for the use of the several state officers herein designated, to enable them to procure sufficient clerical help:

Clerical help for state officers.

For the use of the auditor of state, the sum of five thousand dollars (\$5,000).

\$5,000 for auditor.

For the use of the secretary of state, the sum of two thousand five hundred dollars (\$2,500).

\$2,500 for secretary.

For the use of the treasurer of state, the sum of two thousand dollars (\$2,000).

\$2,000 for treasurer.

For the use of the superintendent of public instruction, the sum of two thousand dollars (\$2,000). *Provided*, That each of said state officers shall furnish vouchers therefor containing the items of such expenditures to the auditor of state before any warrants shall issue therefor, and the amounts thereof, and to whom paid, shall be reported to the next general assembly.

\$2,000 for superintendent of public instruction. Proviso.

SEC. 4. For contingent expenses of the executive office, the sum of five thousand dollars (\$5,000).

\$5,000 for governor's contingent fund.

For the payment of room rent for the governor, the sum of twelve hundred dollars (\$1,200); and for the expenses of employing additional counsel when necessary, under the provisions of sections fifty-nine (59) and sixty (60) of the Code, two thousand dollars (\$2,000), to be drawn and accounted for in the manner provided for the contingent fund.

\$1,200 for house rent.

\$2,000 for extra counsel.

SEC. 5. The sum of five thousand dollars (\$5,000) for the incidental expenses of the supreme court, and clerk, or so much thereof as may be necessary. All the bills for such expenses shall contain all the items thereof which shall be certified to be correct by the chief justice of said court before any warrants shall issue therefor.

\$5,000 for incidental expenses of supreme court.

SEC. 6. For the payment of janitors and night guard for the capitol building, the sum of six thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the executive council.

\$6,000 for janitors and night guard.

SEC. 7. For providential contingencies, the sum of ten thousand dollars (\$10,000), said amount to be under the control of the executive council, and all payments from said fund shall first receive its unanimous approval. Any expenditure under this section shall be reported in detail by the auditor of state in his biennial report.

\$10,000 for providential contingencies.

SEC. 8. For the payment of the semi-annual installments of interest to become due on the war and defense bonds of the state, the sum of thirty-one thousand five hundred dollars (\$31,500).

\$31,500 for interest on war and defense bonds.

- [\\$31,500]), and for the payment of the interest to become due on the indebtedness of the state to the permanent school fund, the sum of forty thousand dollars (\\$40,000) or so much thereof as may be necessary. The auditor of state shall draw warrants for the above appropriations as the said items of interest become due.
- \$40,000 for interest on permanent school fund.** SEC. 9. To the lieutenant-governor, Frank T. Campbell, as president of the senate, the sum of eleven hundred dollars (\\$1,100).
- \$1,100 to president of the senate.** SEC. 10. To Lore Alford, as speaker of the house, the sum of five hundred and fifty dollars (\\$550), which shall be in addition to his salary as a member of the house.
- \$550 to speaker of the house.** SEC. 11. To Jno. J. [S.] Woolson, as president of the senate during its temporary organization, the sum of thirty dollars (\\$30.00).
- \$30.00 to president pro tem. of senate.** SEC. 12. To J. G. Newbold, as speaker of the house, during its temporary organization, the sum of ten dollars (\\$10.00).
- \$10.00 to temporary speaker.** SEC. 13. To A. P. McCargar, secretary of the senate, and W. V. Lucas, chief clerk of the house, for transcribing and indexing the journals of their respective houses, superintending the printing, and distributing the same, the sum of six hundred dollars each, one-half to be paid when a certified copy of the journals is filed in the office of the secretary of state, and the balance when the distribution is made. Warrants therefor shall be issued under the direction of the executive council: *Provided*, that no warrant for said services be drawn under section eight (8) chapter 159 of the acts of the sixteenth general assembly.
- \$1,200 for editing and distributing journals.** SEC. 14. To the secretary of state, auditor of state, and treasurer of state, for extra official services as members of the executive council for the years 1880 and 1881, the sum of six hundred dollars (\\$600) each, and warrants therefor shall be issued monthly at the end of each month.
- Proviso.** SEC. 15. To the chaplains of the senate and house, the sum of six hundred and fifty dollars (\\$650.00); warrants therefor shall be drawn on the certificate of the president of the senate, and speaker of the house, and the amounts, or so much thereof as shall be necessary, to be divided among themselves. Warrants for the above to be drawn in favor of Rev. D. R. Lucas.
- \$600 each to secretary, auditor and treasurer for services in council.** SEC. 16. To Robinson & Atherton for one shade and shade holder, for the use of the senate, the sum of two dollars (\\$2.00).
- \$650 to chaplains G. A.** SEC. 17. To Bolton Brothers for material used in repairing legislative halls, the sum of forty-two dollars and eight cents (\\$42.08).
- How drawn.** SEC. 18. To the "Sloan Americky" for five hundred (500) copies of the "Governor's Inaugural Address," and five hundred copies of his biennial message, printed in the Bohemian language, the sum of one hundred and thirty-six dollars and seventy cents (\\$136.70).
- \$2.00 for shade and shade holder.** SEC. 19. To Weinstein & Wohlwend, for fifteen hundred (1,500) copies of the governor's message printed in the German language, the sum of two hundred and sixty-two dollars and fifty cents (\\$262.50).
- \$42.08 to Bolton Bros.**
- \$136.70 to the Sloan Americky.**
- \$262.50 to Weinstein & Wohlwend.**

SEC. 20. To Entwistle and O'Dea for spittoons and articles for the use of the general assembly, the sum of seventy-one dollars and twenty-five cents (\$71.25). \$71.25 to Entwistle & O'Dea.

SEC. 21. To L. Harbach for furniture and other articles furnished for the use of the general assembly, the sum of one hundred and twenty-nine dollars and ninety cents (\$129.90). \$129.90 to L. Harbach.

SEC. 22. To D. W. Johnson for material for making one bill case, table, etc., for the use of the house of representatives, the sum of nine dollars and fifty cents (\$9.50). \$9.50 to D. W. Johnson.

SEC. 23. To B. Anundsen for five hundred copies of the "Governor's Message" and five hundred copies of Inaugural Address, printed in the *Norweigen* [Norwegian] language, the sum of one hundred and forty-one dollars and three cents (\$141.03); for five hundred copies of the Governor's Message, and five hundred copies of his Inaugural Address, printed in the Scandinavian language, the sum of one hundred and forty-one dollars and three cents (\$141.03), which were ordered printed by the house of representatives. \$282.06 to B. Anundsen.

SEC. 24. To Mills & Co. for one set Iowa Digests, and printing, paper, etc., ordered by the house, the sum of four hundred and three dollars and forty cents (\$403.40). \$403.40 to Mills & Co.

SEC. 25. To John M. Davis for making diagram of senate chamber and house of representatives for the use of the eighteenth general assembly, the sum of ten dollars (\$10.00). \$10 for diagrams.

SEC. 26. To Redhead & Wellslager for pens, ink and paper, and other material furnished for the use of the general assembly, the sum of three hundred and seventy-seven dollars and eighty-six cents (\$377.86). \$377.86 for Redhead & Wellslager.

SEC. 27. To F. M. Mills for room rent for house committees on appropriations and ways and means, the sum of seventy-five dollars (\$75.00). \$75 for committee room.

SEC. 28. To C. E. Dean for room rent for committees of eighteenth general assembly, the sum of forty dollars (\$40.00). \$40 for committee room.

SEC. 29. To Bogue & Wyman for room rent for committees of eighteenth general assembly, the sum of one hundred dollars (\$100.00). \$100 for committee room.

SEC. 30. To C. F. Wightman for room rent for committees of the eighteenth general assembly, the sum of one hundred dollars (\$100.00). \$100 for committee room.

SEC. 31. To Josiah A. Harvey for room rent, and fuel and lights furnished house committees on constitutional amendments and suppression of intemperance, the sum of twenty dollars (\$20.00). \$20 for committee room.

SEC. 32. The sum of two thousand five hundred and seventy-five dollars and six cents (\$2,575.06) for the purpose of paying armory rent becoming due April 1, 1880. \$2,575.06 for armory rent.

SEC. 33. To James A. Crystal and Frank Howard, as outside janitors of the eighteenth general assembly, and to Edward Entwistle, as fireman of the house of representatives, the sum of three hundred and twelve dollars (\$312.00) each; and to Frank \$1,092 for janitors and fireman.

Young as outside messenger and paper folder, the sum of one hundred and fifty-six dollars (\$156.00).

\$800 for sewer  
at Iowa peni-  
tentiary.

SEC. 34. For the purpose of completing the sewer at the penitentiary of the state at Fort Madison, the sum of eight hundred dollars (\$800.00), or so much thereof as may be necessary, to be expended under the direction of the executive council.

\$472.26 for  
sewer at arsenal.

SEC. 35. For the payment of assessments on lots 7 and 8, block 33, original town of Fort Des Moines in the city of Des Moines, occupied by the state arsenal; for sewer on Water street, the sum of two hundred and fifty-one dollars and sixty-eight cents (\$251.68), and for sewer on Locust street, the sum of two hundred and twenty dollars and fifty-eight cents (\$220.58), warrants therefor to be drawn in favor of the proper officer of the city of Des Moines.

\$6 to I. N.  
Hartzell.

SEC. 36. To I. N. Hartzell for taking up old, and laying new, sidewalk in front of arsenal, the sum of six dollars (\$6.00).

\$6.20 to Com-  
paret & Stark.

SEC. 37. To Comparet & Stark for articles furnished quartermaster's department of the state of Iowa, the sum of six dollars and twenty cents (\$6.20).

\$64.48 for lum-  
ber for sidewalk.

SEC. 38. To the Chicago Lumber Company for material used in constructing sidewalk in front of arsenal, the sum of sixty-four dollars and forty-eight cents (\$64.48).

\$446.64 for ex-  
pense in case of  
State v. Rich-  
ard Chapman.

SEC. 39. For the purpose of paying the costs in the case of the state of Iowa vs. Richard Chapman in Supreme Court of United States, in which S. J. Kirkwood, B. R. Sherman and Geo. W. Beemis [Bemis] were sureties, the sum of two hundred and forty-six dollars and six cents (\$246.06), and for printing record in the above entitled case, the sum of two hundred dollars and fifty-eight cents (\$200.58), to be drawn to the parties to whom the same shall be due.

\$67.40 for  
visiting com-  
mittee to Asy-  
lum for Feeble-  
Minded.

SEC. 40. To Christian Hedges, John Russell, Jno. F. Duncombe, W. S. Russell and T. R. Stockton for expenses incurred in visiting the Asylum for Feeble-Minded Children of [at] Glenwood, Iowa, to report upon the desirability of removing the same, the sum of thirteen dollars and fifty cents (\$13.50) each.

\$400 for extra  
clerical help.

SEC. 41. For the purpose of paying for extra clerical help in the office of the clerk of the supreme court, the sum of four hundred dollars (\$400), or so much thereof as may be necessary.

\$185 for H.  
Neyenesch.

SEC. 42. To H. Neyenesch, for five hundred (500) copies of the Governor's Message and Inaugural Address, printed in the Holland language, the sum of one hundred and eighty-five dollars (\$185.00).

\$56.50 to Mills  
& Abdill.

SEC. 43. To Mills & Abdill, for supplies furnished the eighteenth general assembly, the sum of fifty-six dollars and fifty cents (\$56.50).

\$25 for paste.

SEC. 44. To Mrs. N. A. Fleming, for paste furnished eighteenth general assembly, the sum of twenty-five dollars (\$25.00).

SEC. 45. To Mrs. N. A. Fleming, for paste for use of the eighteenth general assembly, the sum of twenty-five dollars (\$25.00).

SEC. 46. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa, section 33 of the Code to the contrary notwithstanding. Publication.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 30, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 167.

### RECORD-TITLE TO LANDS HELD UNDER GRANTS.

AN ACT to Repeal Section 93 of the Code of 1873, and to Enact a S. F. 124. Substitute Therefor.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. Section 93 of the Code of Iowa is hereby repealed and amended so as to read as follows:

"SEC. 93. In cases where lands have been granted to the state of Iowa by act of congress, and certified lists of lands inuring under the grant, have been made to the state by the commissioner of the general land office, as required by act of congress, and such lands have been granted, by act of the general assembly, to any person or company, and such person or company shall have complied with and fulfilled the conditions of the grant, the register of the state land office is hereby authorized to prepare, on the application of the grantee, a list or lists of lands situated in each county inuring to such grantee, from the lists certified by the commissioner of the general land office, as aforesaid, which shall be signed by the governor of the state, and attested by the secretary of state, with the state seal, and then be certified to by the register to be true and correct copies of the lists made to this state, and deliver them to such grantee, who is hereby authorized to have them recorded in the proper county, and when so recorded they shall be notice to all persons the same as deeds now are, and shall be evidence of title in such grantee or his or its assigns, to the lands therein described, under the grant of congress by which the lands were certified to the state, so far as the certified lists made by the commissioner aforesaid conferred title to the state; but where lands embraced in such

*Lists of lands in each county inuring to any grantee of the state to be patented.*

*To be recorded: effect of.*

When null and void. lists are not of the character embraced by such acts of congress or the acts of the general assembly of the state, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be perfectly null and void, and of no force or effect whatever: *Provided*, that no lands now in suit shall be included in such lists until said suits are determined and such lands adjudged to be the property of the company: *Provided further*, that the register shall not include, in any of the lists so certified to the state which have been adjudicated by the proper courts to belong to any other grant, or adjudicated to belong to any county or individual under the swamp land grant, or any homestead or preemption settlement. Nor shall said certificate so issued confer any right or title as against any person or company having any vested right, either legal or equitable, to any of the lands so certified."

Approved, March 26, 1880.

## CHAPTER 168.

### COMMISSIONER OF IMMIGRATION.

S. F. 297. AN ACT to Provide for the Appointment of a Commissioner of Immigration, and to Define his Duties, and to Make an Appropriation to Pay the Expense Thereof.

*Be it enacted by the General Assembly of the State of Iowa:*

Appointment of. SECTION 1. That a commissioner of immigration for the state of Iowa shall be appointed by the governor, by and with the advice of the executive council, who shall hold his office for the period of two years from the first day of May, 1880.

Keep an office at Des Moines, etc. SEC. 2. Said commissioner shall keep an office in the city of Des Moines, and shall give his time and attention to such efforts as may be specially approved by the executive council to induce capital and industry to seek investment and employment in the development and improvement of the agricultural, manufacturing and mining resources of the state.

\$10,000 appropriated. SEC. 3. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of five thousand dollars a year for two years, to be expended by such commissioner, under the general direction and special approval of the executive council, in showing to the people of the United States the natural advantages and resources of the state of Iowa. Said money to be drawn from time to time upon the recommendation of the governor, which shall include the salary of the commissioner.

Expended under direction of executive council.

How drawn.

SEC. 4. At the expiration of each three months after his appointment such commissioner shall make and file in the office of the auditor of the state an itemized statement, duly verified by his oath, showing when, to whom, and for what purpose the funds drawn by him have been expended. File an itemized statement with auditor.

SEC. 5. Said commissioner shall receive a salary of twelve hundred dollars per annum, to be paid quarterly. \$1,200 salary.

SEC. 6. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 2, and in the *Iowa State Leader*, April 5, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 169.

### SLEEPING-CARS.

AN ACT to Facilitate Business with Railroad and Sleeping-Car Companies Running or Operating Sleeping-Cars on Lines Terminating in this State. H. F. 578.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all railroad and sleeping-car companies running or operating sleepers or sleeping-cars within this state, upon railroads terminating therein, shall establish, maintain, and keep open to the public at such termini, ticket offices at accessible and convenient places, in which they shall keep a diagram of the berths and state-rooms in such sleepers or sleeping-cars, and shall at all times during the day-time keep such offices open for the sale of tickets for such berths and state-rooms. Shall keep open ticket offices for sale of tickets for berths.

SEC. 2. If any officer, agent, employe, or lessee, engaged in operating any sleeper or sleeping-car line, terminating, or operated within the state of Iowa, shall refuse or neglect to comply with any of the provisions or requirements of section 1 of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding five hundred dollars, and may be imprisoned not more than six months. Penalty for refusing to keep open such offices.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Reg- Publication.

ister and Council Bluffs Daily Nonpareil, newspapers published at Des Moines and Council Bluffs, Iowa.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 2, and in the *Council Bluffs Daily Nonpareil*, April 3, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 170.

### FEEBLE-MINDED CHILDREN.

S. F. 204.

AN ACT Making Appropriations for the Asylum for Feeble-Minded Children.

*Be it enacted by the General Assembly of the State of Iowa:*

\$14,215 appropriated for salary, etc.

SECTION 1. That there is hereby appropriated out of any money in the treasury not otherwise appropriated, for the Asylum for Feeble-Minded Children, the following sums for the purposes herein named:

For salaries and wages, five thousand dollars (\$5,000).

For corridor, five hundred dollars (\$500).

For cistern, five hundred dollars (\$500).

For repairs, one thousand two hundred and fifty dollars (\$1,250).

For furniture and bedding, two thousand five hundred dollars (\$2,500).

For cows, two hundred dollars (\$200).

For laundry, three hundred dollars (\$300).

For cow-stable, two hundred and fifty dollars (\$250).

For spring-wagon, team, and harness, three hundred and seventy-five dollars (\$375).

For school books and furniture, five hundred dollars (\$500).

For safe, two hundred dollars (\$200).

For contingent fund, two thousand five hundred dollars (\$2,500).

To reimburse O. W. Archibald for money advanced for land, one hundred and forty dollars (\$140).

Drawn on order of trustees.

SEC. 2. The sums hereby appropriated shall be drawn on the order of the trustees of the Asylum for Feeble-Minded Children, at such times as may be deemed necessary by said trustees; but not more than one-half shall be drawn during the year 1880 to apply only to teachers' and contingent fund.

One-half of teachers, and contingent fund in 1880.



SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force after its passage and publication in the Iowa State Register and Iowa State Journal, newspapers published at Des Moines, Iowa.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 2, and in the *State Journal*, April 8, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 171.

### LOCATING GIRLS' REFORM SCHOOL AT MITCHELLVILLE.

AN ACT Amending Chapter five (5), Title twelve (12), of the Code, Relating to the Iowa Reform School for Girls and Providing for Carrying the Same into Effect, and for Permanently Locating the Same at Mitchellville, Iowa. H. F. 420.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the executive council is hereby authorized and instructed to purchase for the use and occupancy of the girls' department of the reform school the building, furniture, and grounds of the Mitchell Seminary, located at Mitchellville, Iowa, and twenty acres of land adjoining said grounds on the south, comprising forty acres in all, and in payment therefor the auditor of state is hereby required to draw warrants on the state treasurer for the amount of the purchase money, and the warrants so drawn shall be payable one-half in the year 1882, and the other half in the year 1884: *Provided*, that the cost of the said property shall not exceed the sum of twenty thousand dollars (\$20,000), and, *further Provided*, That no money shall be paid for said property until a title thereof is furnished to the state free of all liens and incumbrances.

Executive council instructed to purchase.

Auditor of state to draw warrants.  
One-half in 1882 and one-half in 1884.  
\$20,000 appropriated.

Title for said property.

SEC. 2. It shall be the duty of the trustees of the reform school to take possession of said property after the completion of the purchase, and cause the building to be painted and repaired, and erect suitable stables and out-buildings on the said grounds, at an expense not exceeding the sum of one thousand dollars (\$1,000); and they shall thereafter as soon as practicable remove to said premises the Girls' Department of the Reform School, which is now temporarily located at Mt. Pleasant, Iowa.

Duties of trustees when property has been purchased.

SEC. 3. To defray the expense of said repairs and erection of out-buildings and the removal of the school, there is hereby appropriated from funds not otherwise appropriated the sum of fifteen hundred dollars (\$1,500), or such an amount thereof as

\$1,500 appropriated to pay for repairs, and removal of inmates.

may be necessary to carry into effect the provisions of the second section of this act.

Publication.

SEC. 4 This act, being deemed of immediate importance, shall take effect on and after its publication in the Iowa State Register and the Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 3, and in the *Iowa State Leader*, April 6, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 172.

### INDEMNIFYING PURCHASERS OF LAND.

S. F. 316.

AN ACT Making an Appropriation for the Indemnity of Purchasers of Land from the State in Pursuance of the Provisions of Chapter 63, Acts of the Eighth General Assembly.

Preamble.

500,000 acre grant.

WHEREAS, The state of Iowa sold certain lands in Webster and Hamilton counties, selected as a part of the five hundred thousand acre grant, to sundry citizens of the state, and has received payment therefor in whole or in part; and,

Supreme court of the U. S. decide no title.

WHEREAS, It has been decided by the supreme court of the United States that said *purchases* [purchasers] acquired no title to said lands under or by virtue of the purchases made of the state; and,

Chap. 63, acts of 8th G. A.

WHEREAS, By chapter 63 of the acts of the 8th general assembly provision has been made for repayment to said purchasers of the purchase money paid to the state, with ten per cent thereon; and,

2,287 27-100 acres still held.

WHEREAS, The original appropriation made under said act is nearly exhausted and there are 2,287 27-100 acres of said land still held under such purchases from the state, and a further appropriation is necessary to provide for the repayment of such purchase money; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

\$8,000 appropriated.

SECTION 1. That there is hereby appropriated out of any *monies* [moneys] in the state treasury not otherwise appropriated the sum of eight thousand dollars, or so much thereof as may be necessary to pay any claim to be audited and allowed under and by virtue of the provisions of chapter 63 of the 8th general assembly.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, April 2, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 173.

### TO REIMBURSE H. C. METCALF.

AN ACT to Reimburse H. C. Metcalf for Money Paid for Lots and Land for the Use of the State at the Additional Penitentiary at Anamosa. H. F. 485.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of two thousand and fifty-nine dollars and twenty cents (\$2,059.20), for reimbursing H. C. Metcalf for money paid in behalf of the state as per the following statement: \$2,059.20  
appropriated.

#### STATEMENT.

ANAMOSA, IOWA, February 5, 1880.

Amounts paid by H. C. Metcalf for additional land procured by him for the penitentiary at Anamosa, Iowa.

July 11, 1872, paid Orrin Sage for block lots.....	\$ 550.00	
July 11, 1872, paid telegraphing Sage in regard to purchase of said lots.....	17.00	
Interest on above amount at 6 per cent to February 1, 1880.....	256.94	\$823.94
July 16, 1872, paid Mrs. Boil for lots.....	500.00	
July 16, 1872, paid for one lot .....	100.00	
July 26, 1872, paid expenses to Waterloo, Iowa, to obtain title and perfect purchase of said lot ....	10.00	
Interest on above at 6 per cent to February 1, 1880..	275.77	885.77
July 30, 1872, paid expenses of J. L. Sheean to Wisconsin to obtain title to lots.....	10.00	
Interest at 6 per cent to February 1, 1880.....	4.50	14.50
May 13, 1878, paid P. O. Babcock, sheriff, amount appraisement on lots condemned by state of Iowa, as shown by his receipts of even date.....	303.73	
Interest on same at 6 per cent to February 1, 1880....	31.26	334.99
Total.....		\$2,059.20

**Publication.**

SEC. 2. This act, being of immediate importance, shall take effect from and after its publication in the Iowa State Register and Leader, newspapers published at Des Moines, Iowa.  
Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 2, and in the *Iowa State Register*, April 3, 1880.  
J. A. T. HULL, *Secretary of State*.

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## CHAPTER 174.

### TO PAY WM. R. CRAIG.

**H. F. 529.**

AN ACT Providing for the Payment of the Claim of William R. Craig.

*Be it enacted by the General Assembly of the State of Iowa:*

\$23,956.50  
appropriated.

SECTION 1. That there be and is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twenty-three thousand nine hundred and fifty-six and 50-100 dollars, for payment in full to William R. Craig, for all claims for work done and material furnished in the erection of the asylum for the deaf and dumb at Council Bluffs, Iowa.

Auditor to issue  
a warrant, when.

SEC. 2. The auditor of state is hereby directed to issue a warrant for the above amount to the said William R. Craig: *Provided*, That before receiving said warrant said William R. Craig shall sign a receipt in full for all claims against the state on account of the erection of said building including any claim for interest.

**Publication.**

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 2, and in the *Iowa State Register*, April 3, 1880.  
J. A. T. HULL, *Secretary of State*.

## CHAPTER 175.

## TO PAY JOSEPHINE S. DORR.

AN ACT Making an Appropriation to Pay off the Prior Lien of Josephine S. Dorr upon Certain Lands sold under Execution to Satisfy a Judgment in favor of the School Fund. H. F. 555.

WHEREAS, On the 9th day of July, 1868, judgment was obtained in the district court of Dubuque county, Iowa, in favor of the state for the use of the school fund against Joseph Dorr and others; and, Preamble.

WHEREAS, An execution and transcript of said judgment was sent to Jackson county in December, 1871, and certain lands in said Jackson county were sold to satisfy said judgment and the proceeds of such sale paid to the state auditor; and, Sale of land in Jackson county.

WHEREAS, Josephine S. Dorr had a prior lien upon said lands, as appears from the judgment and decree in said cause, for the sum of \$300, which was never paid off or satisfied; therefore, Prior Lien.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That there is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, the sum of five hundred and ten dollars (\$510) to pay off and satisfy said prior lien of Josephine S. Dorr; the money herein appropriated to be paid to said Josephine S. Dorr. \$510 appropriated.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Iowa State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the Iowa State Register and Iowa State Leader, April 2, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 176.

## MEETINGS OF BOARD OF SCHOOL DIRECTORS.

AN ACT to Repeal Section 1722 of the Code of 1873, and to Provide a Substitute Therefor in Relation to the Meetings of Boards of School Directors in District Townships. S. F. 264.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 1722 of the Code of 1873 be and the same is hereby repealed; and the following enacted in lieu thereof: Code, § 1722 amended.

Meetings in  
March and  
September.

Proviso: may  
meet any place  
within district.

SEC. 1722. The board of directors shall hold their regular meetings on the third Monday in March and September of each year and may hold such special meetings as occasion may require at the call of the president, or by request of a majority of the board: *Provided*, that the board of directors of a district township may hold their meetings at any place within the civil or district township in which such district township is situated.

Approved, March 26, 1880.

## CHAPTER 177.

### INCORPORATION OF EMMETSBURG LEGALIZED.

S. F. 322.

AN ACT to Legalize Certain Ordinances of the Incorporated Town of Emmetsburg, Palo Alto County, Iowa.

Preamble.

WHEREAS, The incorporated town of Emmetsburg, Palo Alto county, Iowa, during the year 1878 passed certain ordinances on the suspension of the rule, requiring ordinances to be read on three different days, by a less majority than is required by section 489 of the Code; and,

Yeas and nays  
not recorded.

WHEREAS, Upon the passage of certain of said ordinances the record does not show that the yeas and nays were taken and they are not recorded, as provided in section 493 of the Code; and,

WHEREAS, Doubts have arisen as to the validity of such ordinances; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing  
clause.

SECTION 1. That the ordinances of the incorporated town of Emmetsburg, Palo Alto county, Iowa, passed in 1878, upon a suspension of the rule requiring said ordinances to be read on three different days, without a three-fourths majority vote of the council as provided by section 489 of the Code, and all of said ordinances on the passage of which the yeas and nays were not taken or were not recorded as provided by section 493 of the Code, be and the same are hereby declared to be valid and in force as fully as if said ordinances had been passed in strict compliance with the requirements of said sections 489 and 493 of the Code.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published in Des Moines, Iowa, and in the Palo Alto Reporter, a newspaper published at Emmetsburg, Iowa, without expense to the state.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 6, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 178.

## COMPILATION OF ROAD LAWS.

AN ACT to Provide for the Compilation and Publication of the Road H. F. 419.  
Laws and the Distribution of the Same.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the secretary of state be and he hereby is directed to cause to be carefully compiled the road laws of this state, embracing all acts or parts of acts now in force, including those of the eighteenth general assembly, having reference to establishing roads; also the duties of officers in connection therewith, and the management of the road funds, duties of township trustees, township clerks and road supervisors.

Secretary of  
State to com-  
pile road laws:  
what to include.

SEC. 2. There shall be prepared full marginal references and complete index and appendix, which shall contain all the necessary forms for notices and receipts, together with blank forms for supervisor's bonds, and such other blank forms as may be deemed necessary; with a table showing the fees or per diem of each township officers.

To contain  
references, etc.

SEC. 3. There shall be printed twenty-five thousand copies of the compilation provided for in sections 1 and 2 of this act, under the supervision of the secretary of state, which shall be bound in pamphlet form and distributed as soon after the close of the session as possible.

25,000 to be  
printed.

SEC. 4. The secretary of state shall distribute a sufficient number of copies of said road laws and forms among the counties of this state to supply each organized township with twelve copies, and the county auditor shall deliver to the township clerk of each organized township in his county a number sufficient to furnish said clerk and each road supervisor with one copy, for which said clerk shall give his receipt, and the clerk shall deliver one copy to each officer entitled thereto, who shall receipt for and carefully preserve the same and deliver it up at the expiration of his term of office to the township clerk to be delivered by him in like manner to his successor in office.

Distribution by  
secretary of  
state.

By county  
auditor.

SEC. 5. The expense incurred in the compilation and distribution of these laws shall be borne by the state.

Expense of  
compilation and  
distribution.  
Publication.

SEC. 6. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 3, and in the *Iowa State Leader*, April 7, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 179.

## NEW CAPITOL.

H. F. 445. AN ACT Amending Section 2 of Chapter 138, of the Laws of the Seventeenth General Assembly.

*Be it enacted by the General Assembly of the State of Iowa:*

§ 2, Chap. 138,  
amended: dome  
may be built.

SECTION 1. That part of section 2, of chapter 138, laws of the seventeenth general assembly, after the word "pavilion" in the fifth line of said section, be and the same is hereby repealed. Approved, March 26, 1880.

## CHAPTER 180

## LEGALIZING DEEDS BY COUNTIES FOR SWAMP LAND.

H. F. 495. AN ACT to Legalize Deeds by Counties of Swamp and Other Lands Owned and Conveyed by such Counties.

Prior to 1860  
real estate con-  
veyed by county  
judge.

WHEREAS, Prior to the taking effect of the Revision of 1860, all conveyances of real estate owned by counties were required to be executed in the name of the county, by the county judge in his official capacity, with the county seal attached; and,

Revision of  
1860, new rule.

WHEREAS, By the Revision of 1860, conveyances of swamp land were required to be executed by the county court, and countersigned by the clerk of said court, with the seal of the county attached; and,

Conveyances  
without county  
seal.

WHEREAS, In many counties of this state, deeds conveying swamp and other lands, have been executed without having the county seal attached, and others without being countersigned by the clerk, with the seal of the county attached or affixed thereto; and,

WHEREAS, Doubts have arisen as to the validity of said deeds; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

All convey-  
ances legalized.

SECTION 1. That all deeds heretofore executed by a county judge, or county court, or the chairman of the board of supervisors of any county, and to which the officer executing the same has failed or omitted to affix the county seal, and all deeds where the clerk has failed or omitted to countersign when required so



to do, be and the same are hereby legalized and made valid the same in all respects as though the law had in all respects been fully complied with.

Approved, March 26, 1880.

## CHAPTER 181.

### RELATIVE TO HOTEL AND EATING-HOUSE KEEPERS.

AN ACT Defining the Rights and Liabilities of Hotel, Inn, and Eating-House Keepers. Sub. S. F. 44.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That all keepers of hotels, inns, and eating-houses, who shall keep therein a good and sufficient vault or iron safe for the deposit of moneys, jewels, and other valuables, and also provide a safe and commodious place therein for the baggage, clothing, and other property belonging to their guests and patrons, and shall keep posted up in a conspicuous place in the office or other public room, and in the guests' apartments therein, printed notices stating that such places for safe deposit are so provided for the use and accommodation of the inmates thereof, shall not be held liable for the loss of any money, jewels, valuables, baggage, or other property not deposited with them for safe keeping, unless such loss shall occur through the fault or negligence of such landlord, keeper, or their agents, servants, or employes; *Provided*, That nothing herein contained shall apply to such reasonable amount of money, nor to such jewels, baggage, valuables or other property as is usual, fit, and proper for any such guest[s] to have and retain in their apartments or about their persons.

Providing a safe place and posting notice thereof relieves of responsibility for baggage not deposited for safe keeping.

Provide: not apply to usual and reasonable amount.

SEC. 2. That all hotel, inn, or eating-house keepers shall have a lien upon, and may take and retain possession of all baggage and other property belonging to or under the control of their guests which may be in such hotel, inn, or eating-house, for the value of their accommodations and keep, and for all money paid for, or advanced to, and for such extras and other things as shall be furnished such guest, and such property so retained shall not be exempt from attachment or execution to the amount of the proper and reasonable charges of such hotel, inn, or eating-house keeper against such guest, and the costs of enforcing the lien thereon.

Have a lien on all baggage and other property.

Such property not exempt.

Approved, March 26, 1880.

## CHAPTER 182.

## TO PREVENT DESECRATION OF CEMETERIES AND REMOVAL OF REMAINS.

Sub. S. F. 63. AN ACT to Amend Chapter 9, of Title XXIV, of the Code, by Repealing Section 4017, and Enacting a Substitute Therefor; and by Enacting Section 4019½, Providing for the Protection of Sepulchres, and the Bodies of Deceased Persons.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That chapter 9, of title XXIV, be amended as follows:

Code, § 4017  
substituted.

Violating of  
sepulchre and  
exposure of  
dead bodies  
punished.

SEC. 2. Section 4017 is hereby repealed, and the following is enacted as a substitute therefor:

SEC. 4017. If any person, without lawful authority, willfully dig up, disinter, remove or carry away any human body, or the remains thereof, from its place of interment; or aid, assist, encourage, incite or procure the same to be done or attempted; or willfully receive, conceal, or dispose of any such human body, or the remains thereof; or if any person, with the intent to commit any of the aforesaid acts, partially performs the same; or if any person willfully and unnecessarily, and in an improper manner, indecently expose, throw away, or abandon any human body, or the remains thereof, in any public place, or in any river, stream, pond, or other place, every such offender shall be punished by imprisonment in the penitentiary not more than two years, or by fine not exceeding twenty-five hundred dollars, or by both fine and imprisonment.

SEC. 3. That there be enacted, as section 4019½ of the Code, the following, to-wit:

Persons receiving body of deceased person must keep a record.

Record open for inspection.

SEC. 4019½. Any physician receiving the body or remains of a deceased person for the purpose of medical or surgical study; and any professor or person in charge of a medical college or school at which such body or remains are received for such purpose, shall, in a suitable book, make or cause to be made a legible record of the time when, the name and the description of the person, from whom, and the place where such body or remains were received, and whether or not such body or remains when so received was inclosed in any box, cask or other receptacle, and, if so inclosed, shall record a description of such box, cask or receptacle, sufficient to identify the same, together with the shipping marks or directions, if any, on same; and also a description of such body or remains, including the length, weight and sex of same, the apparent age of the person at the time of death, color of hair, or beard if any, and any and all marks or scars on such body by which same might be identified, and whether or not such body when so received was mutilated so as to prevent iden-

tification of same. And such physician, professor or person, shall keep the said record, and on demand exhibit same, as also any and all such bodies or remains of deceased persons then in his charge, for the inspection of any sheriff or his deputy: *Provided*, such record shall not be required one year or more after such body was received. Any physician or professor or teacher in a medical college or school who uses or allows or permits others under his or her control or charge to use the body or remains of a deceased person for the purpose of medical or surgical study without the record as aforesaid having been first made; or on demand being made by the sheriff or his deputy as aforesaid, shall refuse and fail to exhibit any such record or body in his charge or under his control to such officer for his inspection, shall be guilty of a misdemeanor, and upon conviction be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

*Proviso.*

Penalty for violating this section.

Approved, March 26, 1880.

## CHAPTER 183.

### BONDING COUNTY INDEBTEDNESS.

AN ACT to Amend Chapter 154 of the Acts of the Seventeenth General Assembly, and Section 289 of the Code, Relating to the Bonding of County Indebtedness. S. F. 122.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That chapter 154 of the acts of the seventeenth general assembly be and the same is hereby amended as follows: Chap. 154, 17th G. A. amended.

Strike out of the fourth line of section one of said chapter the figures "1878," and insert in lieu thereof the figures 1880. Also, May fund debt existing January 1, 1880. strike out of the fifth line of said section the figures "1878," and insert in lieu thereof the figures 1880.

SEC. 2. That section 289 of the Code be and the same is hereby amended, by striking out of the ninth line of said section the word "ten," and inserting in lieu thereof the word seven. Code, § 289 amended: interest reduced.

SEC. 3. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March 26, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, April 2, 1880.

J. A. T. HULL, Secretary of State.

## CHAPTER 184.

## FIXING COMPENSATION OF CLERKS, AUDITORS AND TREASURERS OF COUNTIES.

Sub. S. F. 18  
and 170.

AN ACT to Repeal Sections 3784, 3793, and 3798 of the Code, and Section 3, Chapter 122, Laws of Seventeenth General Assembly, and Enacting Substitutes Therefor, Relating to Salaries of Clerk of District and Circuit Courts, County Treasurer and County Auditor, and Defining Certain of their Duties.

*Be it enacted by the General Assembly of the State of Iowa:*

Code, § 3784 repealed and substituted enacted. Compensation of clerk limited.

SECTION 1. That section 3784 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof:

Excess of fees paid into treasury.

Board of supervisors may make up deficiency.

Employ deputy.

Proviso: counties with over 30,000 inhabitants.

Proviso: counties with over 40,000 inhabitants.

Proviso: in regard to two circuits in a judicial district.

SEC. 3784. The total amount of compensation of such clerk, for all official services, shall not exceed the sum of eleven hundred dollars per annum, in counties having a population not exceeding ten thousand; the sum of thirteen hundred dollars per annum in counties having a population in excess of ten thousand but not exceeding twenty thousand; nor the sum of fifteen hundred dollars per annum in counties having a population in excess of twenty thousand but not exceeding thirty thousand. If the fees collected by the clerk in any county, in any one year, shall exceed the sums afore stated, the excess shall be paid into the county treasury for the use of the county fund. In case the aggregate amount of fees so received by the clerk in any one year is less than the limit of his compensation as herein fixed, and such amount is deemed inadequate compensation by the board of supervisors, they may allow such additional amount as they may deem just and proper, within the limits herein prescribed. When, in the judgment of the board of supervisors, it is necessary to the proper discharge of the duties of the office, said board may, upon application of the clerk, authorize said clerk to employ a deputy or clerk, at a salary not exceeding the rate of six hundred dollars per annum for the time actually employed: *Provided*, that in counties having a population in excess of thirty thousand, but not to exceed forty thousand, the board of supervisors may allow such compensation to the clerk, deputy and clerks, as they may deem just and proper, but that the sum total of such compensation allowed shall not exceed twenty-five hundred dollars; and, *Provided, further*, that in counties having a population in excess of forty thousand, the board of supervisors may allow such compensation to the said clerk, deputy and clerks, as they may deem just and proper, but that the total compensation shall not exceed thirty-five hundred dollars: *Provided, further*, that in any county having a population of over thirty thousand and under forty thousand, and which is within a judicial district in which th

circuit has been divided, the board of supervisors, if they find it necessary, may employ an additional deputy or clerk, for duties in connection with the probate records, at a compensation not exceeding \$600 per annum: *Provided, further*, that in each county having two county seats, the compensation of clerk of courts, including the amount paid his deputies and clerks, shall not exceed three thousand dollars in any one year. Any excess of fees collected to be paid into the county treasury, as above provided.

*Proviso: two  
county seats.*

SEC. 2. That section 3793 of the Code, and section 3, chapter 122, laws of the seventeenth general assembly, be and the same are hereby repealed, and the following enacted in lieu thereof:

*Code, § 3798  
and § 3, Chap.  
122 17th G. A.  
repealed, and  
substitute en-  
acted.*

SEC. 3793. Each county treasurer shall receive for his services the following compensation:

*Compensation  
of treasurer  
limited.*

Three-fourths of one per cent of all money collected by him as taxes due any incorporated city or town, to be paid out of the same.

2. Three per cent of all taxes collected by him for all other tax funds, to be paid out of the county treasury.

3. For each certificate of purchase issued for land sold for non-payment of taxes, twenty cents.

4. For paying money into the state treasury, when required by law, or the auditor of state, such compensation as the board of supervisors shall allow, not exceeding one-fourth of one per cent on the amount so paid, which allowance shall be paid by the county.

5. When the aggregate amount of compensation allowed by this and the next section exceeds twelve hundred dollars, in any one year in counties where taxes are collected by township collectors, or fifteen hundred dollars in counties having no township collectors, the excess shall be paid into the county treasury, but when, in the judgment of the board of supervisors, it is necessary for the proper discharge of the duties of the office, said board may, upon application of the treasurer, authorize said treasurer to employ a deputy or clerk, at a salary not exceeding the rate of six hundred dollars per annum for the time actually employed: *Provided*, That in counties where population does not exceed ten thousand, the salary shall not exceed thirteen hundred dollars in any case, and the board shall not allow to exceed three hundred dollars clerk hire in such counties: and, *Provided*, That in counties having more than thirty thousand population, the board of supervisors may grant such additional compensation for treasurer, deputy, or clerk hire as they may deem just and proper.

*Proviso: coun-  
ties with more  
than 30,000  
inhabitants.*

SEC. 3. That section 3798 of the Code be, and the same is hereby, repealed and the following enacted in lieu thereof:

*Code, § 3798  
repealed, and  
substitute  
enacted.*

SEC. 3798. The total compensation of the auditor in any one year shall not exceed the sum of twelve hundred dollars, inclusive of fees; but when, in the judgment of the board of supervisors, it is necessary for the proper discharge of the duties of the office, said board may, upon application of the auditor,

*Compensation  
of auditor  
limited.*

authorize said auditor to employ a deputy or clerk at a salary not exceeding the rate of six hundred dollars per annum: *Provided*, That in counties of more than twenty-five thousand population, the board of supervisors may grant such additional compensation to the auditor, deputy, or clerks, as they deem it just and proper.

**SEC. 4.** It shall be the duty of the board of supervisors, in fixing the compensation of the officers as provided in this act, to take the latest state or national official census, as their guide in so doing.

**SEC. 5.** It is hereby made the duty of the county auditor, the county treasurer and the clerk of the district and circuit courts, in each county of the state to keep a complete and accurate account of all the fees charged and collected by them as now provided by law; which account shall be made and kept as a permanent record of the office; and it is hereby made the further duty of each of the officers therein specified, to make a report of such fees to the board of supervisors, at each regular session of said board, verified by oath or affirmation, a summary of which shall be spread upon the minutes of said board and made a part of the record. If any officers shall neglect or refuse to make such report, as required by this section, it shall be the duty of the board to employ an expert to examine the books, papers, and accounts of such officer, and to make such report, the expense therefor being charged to the delinquent officer, and collectable upon his official bond.

Approved, March 27, 1880.

Provide; counties of more than 25,000 inhabitants.

Last census to determine population.

Each officer keep record of fees and report to board of supervisors.

Verified.

Board to employ an expert in case of failure to report.

## CHAPTER 185.

### IN RELATION TO ATTORNEYS' FEES.

**S. F. 271.** AN ACT to Regulate and Limit the Amount of Attorneys' Fees that May be Taxed in Suits on Written Contracts Stipulating for Attorneys' Fees in Certain Cases.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1.** In any action upon a written contract for the payment of money, made after the taking effect of this act, in which it is an agreement to pay an attorney's or collection fee, no greater recovery for attorneys' fee shall be had against the maker of such contract than is provided for in section two hereof, anything in said contract contained to the contrary notwithstanding.

**SEC. 2.** When judgment is recovered on a written contract, made after the taking effect of this act, containing an agreement to pay an attorney's fee, there shall be an attorney's fee allowed

No greater fee than prescribed by this act shall be collected.

Limiting fees on contract.

by the court and taxed as a part of the costs, except as provided in sections three and four hereof; but in no case shall the amount allowed be greater than the following, to-wit:

For the first two hundred dollars, or fraction thereof, ten per cent of the amount found due. First \$200.

For the excess of two hundred dollars, up to five hundred dollars, five per cent. From \$200 to \$500.

For the excess of five hundred dollars, up to one thousand dollars, three per cent. To \$1,000.

For all in excess of one thousand dollars, one per cent.

Excess of  
\$1,000.  
Proviso.

*Provided*, That the plaintiff shall be entitled to recover not to exceed one-half the above collection fee in case payment is made after commencement of suit and before return day. And in case of payment before judgment, and after return day, the plaintiff may recover not to exceed three-fourths of the said amounts, and have judgment therefor, and no fee shall be allowed if suit has not been commenced or expense incurred.

SEC. 3. Before any allowance of attorney's fee shall be made by the court, the court shall be fully satisfied by affidavit of the attorney engaged in the cause, which affidavit shall be filed with the original papers, that there has been and is no agreement, expressed or implied, between the attorney and his client, or between the attorney and any other person, except a practicing attorney engaged with him as attorney in the cause, for any division or sharing of the fee to be taxed; and no fee shall be taxed except in favor of a regular attorney, and in compensation for services actually rendered in the cause. Court to be  
satisfied by  
affidavit.  
  
Fee only for  
regular attorney.

SEC. 4. Before any attorneys' fee shall be allowed by the court, the court shall be fully satisfied that the defendant, if he be a resident of the county, and the suit is not aided by an attachment, had information of the whereabouts of the contract, and had a reasonable opportunity to pay the same before suit was brought. But this provision shall not apply when the contract is by its terms payable at a particular place, and the maker of the contract has not tendered the money due at the place named in the contract. Court shall be  
satisfied.  
  
Does not apply  
to specific contract.

Approved, March 27, 1880.

## CHAPTER 186.

## REQUIRING RAILROAD COMPANIES TO RECORD EVIDENCE OF TITLE TO LANDS.

H. F. 395.

AN ACT to Require Railroad Companies Holding Lands by Grant to Place Evidence of Their Title to Such Lands on Record.

*Be it enacted by the General Assembly of the State of Iowa:*

Shall place  
evidence of  
title on record  
in each county.

SECTION 1. That each and every railroad company which owns or claims to own lands in the state of Iowa granted by the government of the United States or the state of Iowa, to aid it in the construction of its railroad, where it has not already done so, shall place on file and cause the same to be recorded within three months after the taking effect of this act, in each county wherein the land[s] so granted are situated, evidence of its title or claim of title, whether the same shall consist of patents from the United States or certificates from the secretary of the interior or governor of the state of Iowa, or the proper land office of the United States or state of Iowa. Where no patent was issued, reference shall be made in said certificate to the act or acts of congress, and the acts of the legislature of the state of Iowa granting such lands, giving the date of said acts, and date of their approval under which claim of title is made: *Provided*, that where the certificate of the secretary of the interior, or the patents, as the case may be, contain lands situated in more than one county, that the register of the state land office shall, upon the application of any railroad company or grantee, prepare and furnish, to be recorded, as aforesaid, a list of all the lands situated in any one county, so granted, patented, or certified. And when so recorded, said records, or a duly authenticated copy thereof, may be introduced in any court as evidence, as provided in sections 3702 of the Code.

Where no  
patent was  
issued.

Provide: regis-  
ter of state  
land office to  
prepare list in  
any one county.

Filed with  
recorder of  
county in which  
lands are sit-  
uate.

SEC. 2. Such evidence of title shall be filed with the recorder of deeds of the county in which the lands are situated, and it shall be the duty of the recorder to record the same and *shall* place an abstract thereof upon the index of deeds, so as to show the evidence of title, and the evidence thereof shall be constructive notice to all persons, as provided in other cases of entries upon said index, and the recorder shall receive same fees as for recording other instruments.

Approved, March 27, 1880.



## CHAPTER 187.

## ADDITIONAL PENITENTIARY.

AN ACT to Appropriate Money to Pay the Unsettled Accounts Existing at the Close of the Wardenship of M. Heisey of the Additional Penitentiary at Anamosa. S. F. 309.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That there is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of (\$1,385.48) thirteen hundred eighty-five and 48-100 dollars for the purpose of paying the claims against the state, accruing during the term of office of M. Heisey as warden of the additional penitentiary at Anamosa, and which were unpaid at the expiration of his term of service. \$1,385.48 appropriated to pay unsettled accounts.

SEC. 2. The amount herein appropriated shall be drawn by the warden of said additional penitentiary and by him disbursed for the payment of said claims, and he shall take the same vouchers and account for the sum in the same manner as he is required to do in the disbursement of other funds. Warden shall draw amount.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Journal, newspapers published in Des Moines, Iowa. Publication.

Approved, March 27, 1880.

I hereby certify that the foregoing act was published in the Iowa State Register, April 6, and in the State Journal, April 8, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 188.

## RELATIVE TO DAMAGE DONE BY DOMESTIC ANIMALS.

AN ACT Amending Section 6 of Chapter 70 of the Laws of the Fifteenth General Assembly, Relating to the Liability of Owners of Stock for Damage Done by Domestic Animals Running at Large; and for the Punishment of Persons Unlawfully Relieving Stock from Distrain. H. F. 457.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 6 of chapter 70 of the [public] acts of the fifteenth general assembly be amended as follows: By adding, after the word "Code" and before the word "provided," in the § 6, Chap. 70, 15th G. A. amended.

Each owner  
liable for pro  
rata damage.

tenth line of said section, the following: "Said damages to be assessed pro rata per head, and each owner, if more than one owner be liable for the pro rata amount, and each owner shall have the right to discharge his stock from distraint by paying the said pro rata amount to the person damaged, together with his pro rata share of the cost of distraint."

Penalty for  
unlawfully  
releasing stock  
from distraint.

SEC. 2. That if any person by force or otherwise without leave of the person having stock under distraint, relieve the stock from distraint, he shall be guilty of a misdemeanor, and shall pay a fine of not less than 10 dollars nor more than 100 dollars or by imprisonment in the county jail not less than 10 days nor more than 30 days.

Approved, March 27, 1880.

## CHAPTER 189.

### CITIES OF THE SECOND CLASS.

**H. F. 871.** AN ACT in Relation to the Jurisdiction of Mayors of Cities of the Second Class, and Incorporated Towns with Reference to Violations of City Ordinances.

*Be it enacted by the General Assembly of the State of Iowa:*

Jurisdiction of  
mayors.

SECTION 1. The mayor of cities of the second class or incorporated towns, shall have exclusive jurisdiction of violations of the city ordinances: *Provided*, that if he is unable to hold court, or in case of his absence from the city or town the action may be brought before any justice of the peace having an office in the city or town. All acts or parts of *of* acts inconsistent with this act are hereby repealed.

Proviso.

Publication.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and the Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 27, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, April 2, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 190.

## FOREST AND FRUIT TREES.

AN ACT to Amend Section 798 of Title 6, Chapter 1 of the Code, Relating to Exemptions for Planting and Cultivating Forest and Fruit Trees. H. F. 366.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 798 of title 6, chapter 1 of the Code be amended by adding after the word "property," in the last line of the section, the words: "*Provided*, that the amount so deducted shall not exceed one-half of the valuation of the realty on which such exemption is claimed." Code, § 798 amended. Amount to be deducted.

SEC. 2. This act, being deemed of immediate importance, shall be in force and take effect on and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines. Publication.

Approved, March 27, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 3, and in the *Iowa State Leader*, April 6, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 191.

## RELATIVE TO CONDEMNATION OF REAL ESTATE.

AN ACT to Provide for the Condemnation of Real Estate for Channels and Ditches for the Drainage and Better Protection of the Right of Way and Road-Bed of Railroads. H. F. 573.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That in all cases where any railroad corporation, organized under the laws of this state or any other state, owning or operating a line of railroad within this state would have the right at this time, by procuring the right of way from the landowner, to dig a channel or cut a ditch in such manner as to change and straighten the course of a stream too frequently crossed by its road, or to protect the right of way, and road-bed, or promote the safety and convenience of the operation of the road, such railroad company may condemn the right of way as provided in the next section. Railroad companies may condemn land for ditches.

How proceed  
when land-  
owner and  
railroad com-  
pany cannot  
agree.

SEC. 2. Any such railroad corporation desiring the right of way for any of the purposes contemplated in the preceding section, where its officers and the land-owner cannot agree upon the compensation to be paid him, or when he refuses to grant the right of way, may cause to be condemned, of land belonging to such person, a strip or belt of such reasonable width as may be necessary for the channel or ditch so desired by pursuing in all respects, as near as may be, and so far as applicable, the provisions of law for the condemnation of real estate for right of way for said railroads, as provided in sections 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, and 1253 of the Code of 1873.

Either party  
may appeal.

SEC. 3. Either party may appeal from such assessment in the manner provided for appeals from the assessment of the sheriff's jury in the condemnation of real estate for right of way for railroads, and sections 1254, 1255, 1256, 1257, 1258, and 1259, of the Code shall be applicable to such appeals.

Intent of this  
act.

SEC. 4. The true intent of this act is not to create in favor of a railroad corporation any additional right to divert a water-course from its natural channel, but simply to give the right to condemn the land necessary for the right of way in all cases where by conveyance to the railroad corporation it would have the right to dig such channels or ditches: *Provided*, That nothing herein shall permit any railroad company to turn the channel of any stream off of any cultivated or pasture or meadow lands, when said stream only touches said lands at one point, unless it be by the consent of the owner of said land.

Proviso: not to  
turn channel of  
stream.

Publication.

SEC. 5. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 27, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 6, and in the *Iowa State Leader*, April 7, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 192.

## TAXES VOTED IN AID OF RAILROADS.

AN ACT Relating to Taxes Voted in Aid of the Construction of Railways under Chapter 123, of the Acts of the Sixteenth General Assembly, and Chapter 157, of the Acts of the Seventeenth General Assembly of the State of Iowa and Supplemental Thereto. H. F. 106.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That whenever any taxes have been voted and levied upon the property of any township, city, or town in any county in this state under the provisions of chapter 123 of the acts of the sixteenth general assembly; and chapter 157 of the acts of the seventeenth general assembly, to aid in the construction of any railway within this state, and the work of construction of the said railway shall not have been in good faith commenced in said township, or in the adjoining township, when the line of said railway does not pass through such township, within two years from the date of the time when such taxes were voted, the right of such company to any such taxes shall be declared to be forfeited, and the board of supervisors of such county shall abate and cancel such tax on the tax-books of the county, and refund any taxes in the treasury of the county that have been paid into such treasury to the person paying the same. The provisions of this section are intended to cover all cases where taxes have been voted and no time was stated in the notice of such election when the work was to be commenced. Taxes forfeited in two years.

SEC. 2. When taxes have been voted and levied to aid in the construction of any railway within this state by any township, town, or city, under and by virtue of the provisions of the acts of the general assembly referred to in section 1 of this act, and such railway company shall have neglected for the space of six months to comply with the terms of the notice and petition under which such taxes have been voted, and such fact shall be certified to the board of supervisors of the county wherein such taxes were voted by the trustees of the township or town or city council, it is hereby made the duty of the board of supervisors of such county to abate and cancel all such taxes on the tax-books of the county, and refund any money in county treasury to the persons who may have paid the same. When the road neglects for six months to comply with terms of notice.

SEC. 3. This act, being deemed of immediate importance by the general assembly, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa. Duty of trustees.

Approved, March 27, 1880. Publication.

I hereby certify that the foregoing act was published in the *Iowa State Register*, April 3, and in the *Iowa State Leader*, April 6, 1880.

J. A. T. HULL, Secretary of State.

## CHAPTER 193.

## PROTECTION OF GAME.

Sub. S. F. 48. AN ACT to Amend Chapter 156, Laws of the 17th General Assembly Relative to the Protection of Game.

*Be it enacted by the General Assembly of the State of Iowa:*

§ 2, Chap. 156,  
17th G. A.,  
amended.  
Changing time  
and excluding  
snipe.

SECTION 1. That section 2, chapter 156, laws of the 17th general assembly, be amended as follows, to-wit: Strike out of the third line of said section the words "first day of September" and insert in lieu thereof the words "fifteenth day of August." Also, strike out of the 7th line of said section the words "or snipe."

§ 3, is amended  
by striking out  
"snipe."

SEC. 2. That section 3 of said chapter 156 of the laws of the 17th general assembly be amended by striking out the word "snipe" in the 3rd line thereof.

Approved, March 27, 1880.

## CHAPTER 194.

## STATE LIBRARY.

S. F. 315. AN ACT Making Appropriations for the Iowa State Library.

*Be it enacted by the General Assembly of the State of Iowa:*

Code, § 1899.

SECTION 1. That section 1899 of the Code, be and is hereby repealed, and the following is enacted in lieu thereof:

\$2,000 annually  
appropriated,  
commencing  
with 1881, for  
books.

\$500 for an  
assistant.

SEC. 1899. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of two thousand dollars annually, commencing on the first day of January, 1881, to be expended by the board of trustees in the purchase of books for the library; and the further sum of five hundred dollars for the purpose of paying the salary of an assistant librarian, when, in the judgment of the trustees, the services of an assistant librarian shall be for the interests of the library.

Approved, March 27, 1880.

## CHAPTER 195.

## COMPENSATION OF SHORT-HAND REPORTERS.

AN ACT to Amend Sections 181 and 3777 of the Code, Relating to H. F. 141.  
Duties and Compensation of Short-hand Reporters.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. Section 181 of the Code is hereby amended by Code, § 181  
striking out all of said section after the word "witnesses" in the amended.  
fifth line, and inserting in lieu thereof the following words: in When employed  
civil cases, upon the request of either party thereto, and in all  
criminal cases which are tried upon indictment, and in other  
criminal cases and such other matters as the judge may direct;  
but the judge shall not so direct in any criminal case, unless it  
shall satisfactorily appear to him that the interests of the state  
or defendant require the separating of the testimony in said case:  
*Provided*, The defendant in any criminal case may have the tes- Proviso: de-  
timony therein reported without an order of the judge, by first fendant may  
paying or securing to said reporter his fees for reporting therein. have reported  
by paying  
reporter.  
Code, § 3777.

SEC. 2. Section 3777 of the Code is hereby amended so that  
the same will read as follows:

SEC. 3777. Short-hand reporters shall receive compensation Compensation.  
as follows: For each day actually in attendance in court under  
the order of the judge, such sum as may be fixed by the judge,  
not exceeding six dollars per day, to be audited and *and* paid by Not to exceed  
the county upon the certificate of the judge of the court; but the \$6.00 per day.  
judge shall not order the attendance of said reporter except dur-  
ing that part of the term when, in his judgment, the reporting Order attend-  
of testimony will be required, and he shall discharge said reporter ance.  
from farther attendance at each term as soon as, in his judgment,  
the reporting of testimony will not be farther required for such  
term; and for making transcripts of his original notes, for each Making  
one hundred words, six cents; but where such transcripts are de- transcript.  
sired in any civil case, the fees therefor shall be paid by the party  
desiring the same, and the amount allowed such reporter for  
reporting testimony in any case shall, in all instances, except  
where the defendant in a criminal case is acquitted, be taxed as  
a part of the costs in the case: *Provided*, That when the defend- Proviso: in  
ant in any criminal cause, who shall have perfected an appeal case of appeal.  
from a judgment against him, presents to the judge satisfactory  
proof, by affidavit or otherwise, that he is unable to pay for such  
transcript, the court, if in the opinion of the judge justice will  
be thereby promoted, may order said transcript to be made at the  
expense of the county and the original notice of any testimony  
taken in any case shall be filed in the office of the clerk of the

Proviso: reporter can make transcript after expiration of term.

court and become a part of the record in said case; and said notes or any transcript thereof duly certified by the reporter of said court shall be admissible in any case in which the same are material and competent to the issue therein, with same force and effect as depositions and subject to the same objections so far as applicable; and said original notes, or the transcript thereof, or any part thereof, may be referred to in any bill of exceptions, and when duly transcribed and certified, shall be inserted therein on appeal; and upon demand of any person for a duly certified transcript of any designated portion of the original notes of testimony in any case, it shall be the duty of said reporter to transcribe the portion so designated and duly certify the same, upon payment of fees therefor: *Provided*, That when the reporter taking the notes in any case in court has ceased to be the official short-hand reporter of that court, any transcript by him made therefrom and duly certified by him under oath as a full, true, and complete transcript of said notes, shall have the same force and effect as though certified in the same manner by the official short-hand reporter of said court.

Approved, March 27, 1880.

## CHAPTER 196.

### RELATIVE TO ANNOTATED CODE OF WM. E. MILLER.

Sub. H. F. 499. AN ACT Relating to Evidence.

*Be it enacted by the General Assembly of the State of Iowa:*

When compared and certified to by the secretary of state, shall be received in evidence.

SECTION 1. That the "Revised and Annotated Code of Iowa," prepared by William E. Miller, and to be published by Mills & Co., of Des Moines, Iowa, when so published, and certified by the secretary of state to embrace the Code of Iowa of 1873, as amended by subsequent statutes, and the general and permanent statutes of the fifteenth, sixteenth, seventeenth, and eighteenth general assemblies, shall be receivable in evidence in all the courts of this state, with like effect as if published by the state.

Approved, March 27, 1880.



## CHAPTER 197.

RELATIVE TO CHANGING BOUNDARY LINES BETWEEN POLK, BOONE,  
AND STORY COUNTIES.

AN ACT Providing for the Changing of the Boundary Lines of the H. F. 574.  
Counties of Polk, Boone, and Story.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the boundary line of the counties, Polk, Boone, and Story, be and the same are hereby changed, as follows: The north fractional half of the north-west quarter of section No. six (6), in township No. eighty-one (81), range No. twenty-four (24), and the north-east quarter of the north-east quarter of section No. one (1), in township No. eighty-one (81), range No. twenty-five (25), in Polk county, shall be added to a [and] constitute a part of Story county, and that the south-east quarter of the south-east quarter of section No. thirty-six (36), in township No. eighty-two (82), range No. twenty-five (25), in Boone county, shall be added to and constitute a part of Story county, the intention being to hereby add to Story county and make a part thereof all that portion of the counties of Polk and Boone, included in the recorded plat of the unincorporated town of Sheldahl.

Boundaries  
changed.

New bound-  
aries.

SEC. 2. This act shall be submitted to the people of said counties of Polk, Boone, and Story, at the general election in the year 1880, and shall not have effect until approved by a majority of the votes in each of said counties cast for and against it. The proposition shall be so submitted that those approving of the proposed change of boundary, shall have written or printed on their ballots the words, "for the new boundary," and those who disapprove of the proposed change shall have written or printed on their ballots the words, "against the new boundary."

To be submitted  
to voters of  
each county.

SEC. 3. The provisions of this act shall take effect when the governor shall issue his proclamation, as hereinafter provided, declaring that said proposed boundary has been submitted to the people of Story, Polk, and Boone counties, at a general election, and has been approved by a majority of the votes cast at such election for and against it.

To take effect  
when governor  
issues procla-  
mation.

SEC. 4. It shall be the duty of the board of supervisors of Story, Polk, and Boone counties, to canvass the votes on said proposition at the same time the votes cast at said general election are canvassed, and immediately thereafter the county auditor of above named counties shall certify to the secretary of state the form of the proposition submitted to the electors and the number of votes cast for and against the same, which certificate shall be recorded in the records of the secretary of state. If a

Duty of boards  
of supervisors.

Proclamation.  
Takes effect  
on proclama-  
tion.

majority of all the votes cast for and against the proposition shall be in favor of said change of boundary, the governor shall issue his proclamation declaring the result of such election.

SEC. 5. If the result of said election shall be in favor of a change of boundary, and so stated in the proclamation of the governor, then on and after the date of said proclamation the territory described in this act shall be and become a part of the county of Story, and in all respects treated as such, except that the taxes at the time assessed or due on any part of said territory, shall be paid to and collected by the counties now entitled to the same.

Approved, March 27, 1880.

## CHAPTER 198.

### TO LEGALIZE A CERTAIN JUDGMENT IN FAVOR OF THE SCHOOL FUND.

H. F. 588.

AN ACT to Legalize a Certain Judgment in Favor of the School Fund and to Rest [Vest] Title of Lots 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12, in Block 20, City of Keokuk, Lee County, in the State, for the Use of the School Fund.

Preamble.

WHEREAS, Heretofore the title to lots one (1), two (2), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), and twelve (12), in block twenty (20), in the city of Keokuk, Lee county, Iowa, became *rested* [vested] in the board of trustees of the medical department of the Iowa University; and,

In 1858, mort-  
gaged for use of  
school fund.

Suit to foreclose.  
Decree in 1870.

Special execu-  
tion issued.

Sheriff deed  
1871.

WHEREAS, On the 24th day of May, 1858, the trustees of said medical department of the Iowa University executed their certain mortgage upon said real property, in favor of the State of Iowa, for the use of the school fund, and suit to foreclose said mortgage was instituted in the district court of Lee county, Iowa, at Keokuk, in favor of the State of Iowa for the use of the school fund and against the College of Physicians and Surgeons of the medical department of the State University, and at the September term of said court, in the year 1870, the state, for the use of the school fund, obtained judgment therein and a decree foreclosing said mortgage, as appears in record book No. 8, page 342, of said court; and that special execution issued on said judgment, and said real property was sold thereon by the sheriff and bid in by the county for the use of the school fund. And, on the 5th day of November, 1871, the sheriff made a deed to said real property to the state of Iowa for the use of the school fund, and afterwards said property or some part thereof was sold by the legal authorities, and the purchasers thereof went into possession of and improved said property or some portion thereof; and,

WHEREAS, Doubts have arisen as to the legality of said foreclosure proceedings, decree and sale, as to the proper parties thereto, or as to the right of the school fund to institute suit against a department of the State University as recognized at the date of said mortgage, and in order to quiet the title to said real estate; therefore,

Doubts as to  
legality of pro-  
ceedings.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That said judgment and decree of foreclosure be and the same is hereby legalized and declared valid, and that the title to said real property is hereby absolutely *rested* [vested] in the state of Iowa for the use of the school fund.

Legalising  
clause.

Approved, March 27, 1880.

## CHAPTER 199.

### TO PROVIDE FOR PAYMENT OF WAR AND DEFENSE BONDS.

AN ACT to Provide for the Payment of the War and Defense Bonds H. F. 599.  
Issued Under the Provisions of Chapter Sixteen (16) of the Acts of the Special Session of the Eighth General Assembly, and Due July 1st, A. D. 1881.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. The executive council shall, at their regular meeting on the second Monday of July, A. D. 1880, levy a special state war and defense bond tax for the purpose of enabling the state to pay, when due, the bonds issued under the provisions of chapter 16, acts of the special session of the eighth general assembly, not exceeding the rate of one-half mill on the dollar on the assessed valuation of the state, which shall be denominated war and defense bond tax.

Executive  
council to levy  
a one-half mill  
tax to pay.

SEC. 2. The boards of supervisors of each county shall, at their September session, A. D. 1880, levy such tax as may be directed by the executive council, which tax shall be collected and remitted in the same manner as other state taxes.

Boards of su-  
pervisors to levy  
such tax.

SEC. 3. Any portion of said bonds and interest thereon not provided for by said special tax, shall be paid out of the general revenue of the state, and if necessary for the purpose of carrying the provisions of this act into effect to issue warrants, the governor, state treasurer and auditor, are hereby authorized to negotiate a sufficient amount of of warrants of the state and fix the time of payment of the same, in not exceeding one, two, and three years from the date of such warrants, at the lowest practical interest, to pay the amount due on said bonds, not provided for by said

Remainder of  
said bonds to be  
paid out of  
general revenue.

Governor,  
treasurer and  
auditor to  
negotiate  
warrants.

special tax, and the proceeds of such warrants shall be used for no other purpose.

Treasurer shall pay and cancel said bonds.

SEC. 4. It shall be the duty of the state treasurer to pay and cancel said bonds whenever presented for payment at the place where said bonds are payable, provided said bonds are then due; but in no case shall he pay any interest not accrued at date of payment.

\$300,000 appropriated.

SEC. 5. The sum of three hundred thousand dollars is hereby appropriated out of any money in the state treasury for the purpose of paying the bonds above named.

Approved, March 27, 1880.

## CHAPTER 200.

### SALARIES OF OFFICERS OF STATE PENITENTIARIES.

H. F. 447.

AN ACT to Repeal Part of Section 4783 of Chapter 167 of the *Public Acts of the Seventeenth General Assembly and Enacting a Substitute Therefor, Fixing the Compensation of the Officers of the Penitentiary.*

*Be it enacted by the General Assembly of the State of Iowa:*

§ 4783, Chap. 167, 17th G. A.: substitute enacted.

SECTION 1. That section 4783 of chapter 167 of the *public acts of the seventeenth general assembly*, be repealed and the following substitute be enacted in lieu thereof:

§ 4783 appropriation for salaries.

SEC. 4783. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, so much as may be necessary to pay monthly to the persons herein named the following sums, to-wit: to the warden one hundred and sixty-six dollars and sixty-seven cents, to the deputy warden one hundred dollars, to the clerk seventy dollars, to the surgeon fifty dollars, to the chaplain, who shall perform the duties of teacher, seventy dollars, to the hospital steward fifty dollars, to the turnkey, wall guards, shop guards and night guards fifty dollars: *Provided*, That the warden shall be furnished, in addition to the above, with house rent, fuel and lights for himself and family, at the expense of the state, but no further perquisites or allowances of any character shall be permitted: *and, Provided*, That on the last of each month the warden shall make and file with the auditor of state an affidavit that during said month he has not, directly or indirectly, converted to his own use any provisions, supplies, waste, or materials belonging to the state, nor permitted the same to be done by any officer or person except as herein provided, which said affidavit must be filed before any warrant shall issue to the warden for his own compensation as provided in this section: *and, Provided, further*, that the salaries and com-

Warden shall have rent, fuel, etc.

Shall file affidavit with auditor of state.

compensation allowed in this section shall also apply to the additional penitentiary at Anamosa and that the warden be authorized to appoint a deputy.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Shall apply to Anamosa penitentiary, and giving warden a deputy.  
Repealing clause.

Publication.

Approved, March 27, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, April 6, 1880.

J. A. T. HULL, *Secretary of State*.

## CHAPTER 201.

### ELECTION OF ASSESSORS.

AN ACT to Amend Chapter 6 of the Laws of the Sixteenth General Assembly, and providing for One or More Assessors, not to exceed Three, in Incorporated Cities having Ten Thousand Inhabitants or Over. H. F. 42.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section numbered 390 of chapter 6 of the sixteenth general assembly, which has repealed and taken the place of the same section of the Code of 1873, is hereby amended by adding thereto the following, to-wit: *Provided*, That any incorporated city as above described having a population of ten thousand inhabitants or over, shall have the right to elect one or more assessors, not to exceed three, and such assessor or assessors shall in all respects perform the same duties as now required of assessors, and in like manner be subject to the same laws and penalties thereunder, and shall each receive the same compensation as now provided for assessors, and shall give bond and qualify for the duties required of them, as now required by law, and shall be elected at the time and for the term as above provided, and the city council of such incorporated city shall determine by resolution at least five weeks before the time for electing said assessor or assessors, whether it shall be necessary to elect one, two, or three assessors for the ensuing term and thereupon the mayor of such city shall make proclamation of the said determination of the council in like manner, and at the same time that he shall proclaim the election of the other officers to be elected at said election.

Chap. 6, acts of 16th G. A. amended.

Cities of 10,000 inhabitants may elect three assessors.

Give bond and qualify.

City council shall determine the number.

Mayor make proclamation.

Duties of assessors.

SEC. 2. That it shall be the duty of said assessors, if more than one shall have been elected, to agree between themselves for such systematic distribution of their work as will most efficiently further the satisfactory completion of the same within the time prescribed by law, and in assessing the property of such incorporated city, each shall faithfully and industriously work to that end, and for any failure or delinquency in that respect on the part of any or all of said assessors, he or they shall be liable, as provided by section 827 of the Code of 1873.

Publication.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Ottumwa Courier, newspapers published at Des Moines and Ottumwa, Iowa.

Approved, March 30, 1880.

I hereby certify that the foregoing act was published in the Iowa State Register, April 6, and Ottumwa Courier, April 3, 1880.

J. A. T. HULL, Secretary of State.

## CHAPTER 202.

### INSPECTION OF COAL MINES.

H. F. 202.

AN ACT to Regulate Mines and Mining, and to Repeal an Act Therein Named.

*Be it enacted by the General Assembly of the State of Iowa:*

Appointment of inspector.

SECTION 1. That there shall be appointed by the governor, with the advice and consent of the senate, one state mine inspector, who shall hold his office for two years: subject, however, to be removed by the governor for neglect of duty, or malfeasance in office. Said inspector shall have a theoretical and practical knowledge of the different systems of working and ventilating coal mines, and of the nature and properties of the noxious and poisonous gases of mines, and of mining engineering. And said inspector, before entering upon the discharge of his duties, shall take an oath, or affirmation, to discharge the same faithfully and impartially, which oath or affirmation shall be indorsed upon his commission, and his commission, so indorsed, shall be forthwith recorded in the office of the secretary of state; and such inspector shall give bond in the sum of two thousand dollars (\$2,000), with sureties to the approval of the governor, conditioned for the faithful discharge of his duty.

Inspector to take an oath and give bond.

Duty of inspector.

SEC. 2. Said inspector shall give his whole time and attention to the duties of his office, and shall examine all the mines in this state as often as his duties will permit, to see that the provisions of this act are obeyed; and it shall be lawful for such inspector

to enter, inspect and examine any mine in this state, and the works and machinery belonging thereto, at all reasonable times, by night or by day, but so as not to unnecessarily obstruct or impede the working of the mines; and to make inquiry and examination into the state and condition of the mine, as to ventilation and general security, as required by the provisions of this act. And the owners and agents of such mines are hereby required to furnish the means necessary for such duty and inspection, of which inspection the inspector shall make a record, noting the time and all the material circumstances. And it shall be the duty of the person having charge of any mine, whenever loss of life shall occur by accident connected with the working of such mine, or by explosion, to give notice forthwith, by mail or otherwise, to the inspector of mines, and to the coroner of the county in which such mine is situated; and the coroner shall hold an inquest on the body of the person or persons whose death has been caused, and inquire carefully into the cause thereof, and shall return a copy of the verdict, and all the testimony, to said inspector. No persons having a personal interest in, or employed in the management of, or employed in the mine where a fatal accident occurs, shall be qualified to serve on the jury impaneled on the inquest.

Owners of mines to furnish means for inspection.

Give notice of loss of life.

Coroner to hold inquest.

SEC. 3. Said inspector, while in office, shall not act as an agent, or as a manager, or mining engineer, or be interested in operating any mine, and he shall annually, on or before the first day of January, make report to the governor of his proceedings, and the condition and operations of the mines in this state, enumerating all accidents in or about the same, and giving all such information as he may think useful and proper, and making such suggestions as he may deem important as to further legislation on the subject of mining.

Inspector shall have no interest in mines and shall report to governor.

SEC. 4. Said inspector shall receive a salary of fifteen hundred dollars per annum, to be paid in quarterly installments, and he shall have and keep an office in the state-house at Des Moines, in which shall be kept all records and correspondence, papers, and apparatus, and property pertaining to his duties belonging to the state, and which shall be handed over to his successor in office.

Salary and office.

SEC. 5. Any vacancy occurring when the senate is not in session, either by death or resignation, removal by the governor, or otherwise, shall be filled by appointment by the governor, which appointment shall be good until the close of the next session of the senate, unless the vacancy is sooner filled, as in the first section provided.

Vacancy, how filled.

SEC. 6. There shall be provided for said inspector all instruments necessary for the discharge of his duties under this act, which shall be paid for by the state on the certificate of the inspector, and shall be the property of the state.

Instruments to be furnished by the state.

SEC. 7. The owner or agent of every coal mine shall make, or cause to be made, an accurate map or plan of the working of such mine, on a scale of not less than one hundred feet to the inch, showing the area mined or excavated. Said map or plan

Accurate maps of workings of each mine to be made.

shall be kept at the office of such mine. The owner or agent shall, on or before the first day of September, 1880, and annually thereafter, cause to be made a statement and plan of the progress of the workings of such mine up to said date, which statement and plan shall be marked on the map or plan herein required to be made. In case of refusal on the part of said owner or agent, for two months after the time designated, to make the map or plan, or the addition thereto, the inspector is authorized to cause an accurate map or plan of the whole of said mine to be made at the expense of the owner thereof, the cost of which shall be recoverable against the owner in the name of the person or persons making said map or plan.

Inspector may make such map and recover cost thereof.

SEC. 8. After six months from the passage of this act it shall not be lawful for the owner or agent of any coal mine operated by shaft or slope to employ more than fifteen persons at one time to work therein, or permit more than fifteen persons at one time to work in such mine, unless there are to every seam of coal worked in such mine two separate outlets, separated by natural strata of not less than fifty feet in breadth, by which shafts or outlets distinct means of egress must be always available to afford easy escape from such mine in case of explosion, cavings, or falling in of either shaft. But in case of mines operated as in this section first provided, if in the judgment of the inspector an additional shaft is deemed necessary, then the same shall be provided, subject, however, to the decision of the circuit court of the county in which the mine is situated.

Restrictions on mining.

SEC. 9. All mines hereafter opened shall be allowed one year to make outlets as provided in section 8 when such mine is under two hundred feet in depth, and two years when such mine is over two hundred feet, but not more than twenty men shall be employed in such mines at one time until the provisions of section 8 are complied with, and after the expiration of the periods above mentioned, should said mines not have the outlets aforesaid, they must reduce their number to fifteen persons.

New mines allowed one year to make outlets.

SEC. 10. It shall be the duty of said inspector to see that all coal mines are well and properly ventilated and that such quantities of air are supplied to the miners at their several places of working in each mine as is requisite for their health and safety. The ventilation required by this section may be produced by any suitable appliances, but in case a furnace is used for ventilating purposes it shall be built in such a manner as to prevent the communication of fire to any part of the works by lining the up-cast with incombustible material for a sufficient distance up from said furnace.

Inspector to see that all mines are properly ventilated, etc.

SEC. 11. The owner or agent of every coal mine, operated by shaft or slope, in all cases where the human voice cannot be distinctly heard, shall forthwith provide and maintain a metal tube or other suitable means for communicating from the top to the bottom of said shaft or slope, suitably calculated for the free passage of sound therein, so that conversation may be held between persons at the bottom and top of the shaft or slope; and

Owners to provide speaking tubes, safety-gates, etc.



there shall be provided a sufficient cover overhead on all carriages used for lowering and hoisting persons, and on the top of every shaft an approved safety-gate; and also an approved safety-spring on the top of every slope, and an adequate brake shall be attached to every drum or machine used for raising or lowering persons in all shafts or slopes, and a trail shall be attached to every car used on a slope: all of said appliances to be subject to the approval of the inspector.

SEC. 12. No owner or agent of any coal mine, operated by shaft or slope, shall knowingly place in charge of any engine used for lowering into or hoisting out of such mine persons employed therein, any but experienced, competent and sober engineers; and no engineer in charge of such engine shall allow any person, except such as may be deputed for that purpose by the owner or agent, to interfere with it, or any part of the machinery; and no person shall interfere or in any way intimidate the engineer in the discharge of his duties; and the maximum number of persons to ascend out of or descend into any coal mine on one cage shall be determined by the inspector, but in no case shall such number exceed ten, and no person shall ride upon or against any loaded cage or car in any shaft or slope.

Shall employ competent engineers.

Duty of engineer.

SEC. 13. No boy under twelve years of age shall be allowed to work in any mine; and it shall be the duty of the agent of such mine to see that the provision of this section is not violated.

Age of miners.

SEC. 14. In case any coal mine does not, in its appliances for the safety of the persons working therein, conform to the provisions of this act, or the owner or agent disregards the requirements of this act, for twenty days after being notified by the inspector, any court of competent jurisdiction, in session or vacation, may, on application of the inspector, by civil action in the name of the state, enjoin or restrain the said owner or agent from working or operating such mine with more than ten miners at once, until it is made to conform to the provisions of this act, and such remedy shall be cumulative, and shall not take the place of or affect any other proceedings against such owner or agent authorized by law for the matter complained of in such action.

In case of non-compliance, may enjoin.

SEC. 15. Any miner, workman, or other person, who shall knowingly injure, or interfere with any air-course, or brattice, or obstruct or throw open doors, or disturb any part of the machinery, or disobey any order given in carrying out the provisions of this act, or ride upon a loaded car or wagon in a shaft or slope, or do any act whereby the lives and health of the persons or the security of the mines and machinery is endangered; or if any miner or person employed in any mine governed by the provisions of this act, shall neglect or refuse to securely prop or support the roof and entries under his control, or neglect or refuse to obey any order given by the superintendent in relation to the security of the mine in the part of the mine under his charge or control, every such person shall be deemed guilty of a misde-

Penalty for injuring or interfering with.

meanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days.

Governor shall convene board of examiners, when.

SEC. 16. Whenever written charges of gross neglect of duty, or malfeasance in office against any inspector, shall be made and filed with the governor, signed by not less than fifteen miners, or one or more operators of mines, together with a bond in the sum of five hundred dollars, payable to the state, and signed by two or more responsible freeholders, and conditioned by [for] the payment of all costs and expenses arising from the investigation of such charges, it shall be the duty of the governor to convene a board of examiners, to consist of two practical miners, one mining-engineer and two operators, at such time and place as he may deem best, giving ten days' notice to the inspector against whom charges may be made, and also the person whose name appears first in the charges; and said board, when so convened, and having first been duly sworn or affirmed truly to try and decide the charges made, shall summon any witnesses desired by either party, and examine them on oath or affirmation, which may be administered by any member of the board, and depositions may be read on such examination, as in other cases; and the board shall examine fully into the truth of such charges, and report the result of their investigations to the governor; and if their report shows that said inspector has grossly neglected his duties, or is incompetent, or has been guilty of malfeasance in office, it shall be the duty of the governor forthwith to remove said inspector, and appoint a successor; and said board shall award the costs and expenses of such investigation against the inspector, or the person signing said bond.

Board to consist of.

Duty of the board.

Miners to have right of access to scales, etc.

SEC. 17. In all coal mines in this state, the miners employed and working therein shall, at all proper times, have right of access and examination of all scales, machinery, or apparatus used in or about said mine to determine the quantity of coal mined, for the purpose of testing the accuracy and correctness of all such scales, machinery, or apparatus; and such miners may designate or appoint a competent person to act for them, who shall, at all proper times, have full right of access and examination of such scales, machinery, or apparatus, and seeing all weights, and measures of coal mined, and the accounts kept of the same: *Provided*, not more than one person on behalf of the miners collectively shall have such right of access, examination, and inspection of scales, weights, measures, and accounts, at the same time, and that such person *and that such person* shall make no unnecessary interference with the use of such scales, machinery, or apparatus.

Provido: one person only.

Owner shall keep supply of timber at mine.

SEC. 18. The owner, agent, or operator of any coal mine, shall keep a sufficient supply of timber, where required to be used as props, so that the *workman* [workmen] may at all times be able to properly secure the workings from caving in, and it shall be the duty of the owner, agent, or operator, to send down all such props when required.

SEC. 19. The provisions of this act shall not apply to, or affect, any coal mines in which not more than fifteen persons are employed at the same time: *Provided*, that upon the application of the proprietors of, or miners in, any such mine, the inspector shall make or cause to be made, an inspection of such mine, and direct and enforce any regulations in accordance with the provisions of this act that he may deem necessary for the safety or the health and lives of the miners.

Does not apply to certain mines.  
Proviso.

SEC. 20. Chapter 31, acts of the fifteenth general assembly, is hereby repealed.

Repealing clause.

Approved, March 30, 1880.

## CHAPTER 203.

### INSTITUTION FOR EDUCATION OF DEAF AND DUMB.

AN ACT to Amend Sections One and Two, Chapter 98, Laws of the Seventeenth General Assembly, Relating to the Institution for the Deaf and Dumb. H. F. 540.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That chapter 98, laws of the seventeenth general assembly, be and the same is hereby amended, by striking out the word "thirty" in the third line of section 1, and inserting in lieu thereof the word "twenty-eight"; and also by striking out the word "eight" in the third line of section 2 and inserting the word "eleven" in lieu thereof.

Chap. 98, acts of 17th G. A., amended.  
Reduction of pupilage and support fund.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, and in the Council Bluffs Daily Nonpareil, a newspaper published at Council Bluffs, Iowa.

Publication.

Approved, March 30, 1880.

I hereby certify that the foregoing act was published in the Iowa State Register, April 6, and in the Council Bluffs Daily Nonpareil, April 9, 1880.

J. A. T. HULL, *Secretary of State.*

## CHAPTER 204.

C. W. MULLAN, N. P.

H. F. 581. AN ACT to Legalize the Official Acts of C. W. *Mullen* [Mullan], as Notary Public, In and For Black Hawk County, Iowa.

Preamble. WHEREAS, C. W. *Mullen* [Mullan], of Black Hawk county, state of Iowa, was duly appointed a notary public in and for Black Hawk county, and entered upon the discharge of the duties of such office, which commission expired on the 31st day of May, 1875; and,

Expiration of commission. WHEREAS, The said C. W. *Mullen* [Mullan] continued to act as such notary public after the expiration of his commission; and,

Re-appointed. WHEREAS, The said C. W. *Mullen* [Mullan] was again duly appointed and qualified a notary public for Black Hawk county, on the 22d day of March, 1880; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

Legalizing clause. SECTION 1. That all the official acts of the said C. W. *Mullen* [Mullan], by him performed after the expiration of his commission as notary public on the 31st day of May, 1875, be and the same are hereby legalized and made valid to the same extent, and for all purposes, as though the said C. W. *Mullen* [Mullan] was and had been a duly appointed, qualified, and legal acting notary public, at the time of such acts.

Publication. SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and in the Waterloo Courier, a newspaper published at Waterloo, Iowa, without expense to the state.

Approved, March 30, 1880.

## CHAPTER 205.

COMPANY C, 5TH REGIMENT, I. N. G.

H. F. 583. AN ACT Entitled An Act to Provide for Payment of Co. C, Fifth Regiment, Iowa National Guards.

*Be it enacted by the General Assembly of the State of Iowa:*

\$54.48 appropriated to pay. SECTION 1. That there be appropriated out of any funds belonging to the state of Iowa unappropriated, the sum of fifty-four dollars and forty-eight cents to pay company "C," 5th

regiment, Iowa National Guards, for duty performed during the last week of February, 1880, in obedience to the orders of W. L. Alexander, Adjutant-General. Said amount to be drawn on the order of the adjutant-general of Iowa, and to be by him paid to commanding officers of said company, on receipt of proper vouchers therefor.

HEADQUARTERS Co. "C," 5TH REGT., I. N. G.

Correspondence.

Pursuant [to] the following order, to-wit:

ALBIA, IOWA, February 22d, 1880.

CAPTAIN W. S. Coen [COEN]:

SIR—You will furnish Sheriff Miller ten guards each night as long as trouble is anticipated at the Albia Coal Co's works.

W. L. ALEXANDER, *Adjutant-General*.

The following named members of said company were on duty the number of days, and are entitled to the amount of compensation and commutation set opposite each of their names:

						List of names and amounts.
1st Lieut.	Charles R. Leas [Teas].....	2	\$ 2.66	\$ 60	\$ 3.26	
2d Lieut.	W. B. Hester.....	5	6.66	1.50	8.16	
Sergeant.	Wm. C. McDonald.....	6	3.20	1.80	5.00	
Sergeant.	Chas. L. Walker.....	1	53	30	83	
Corporal.	Saml. Forsythe.....	2	86	60	1.46	
Corporal.	Heston S. Duncan.....	2	86	60	1.46	
Corporal.	Harry Cramer.....	3	1.29	90	2.19	
Corporal.	Wallace Elder.....	1	43	30	73	
Corporal.	Chas. Lambert.....	1	43	30	73	
Private..	Anderson, Chas.....	5	2.15	1.50	3.65	
Private..	Anderson, Parks.....	2	86	60	1.46	
Private..	Anderson, John S.....	1	43	30	73	
Private..	Armon, Wm. S.....	2	86	60	1.46	
Private..	Burnsides, Geo.....	2	86	60	1.46	
Private..	Burkhalter.....	2	86	60	1.46	
Private..	Farren, Nash [Farrer, Nish].....	4	1.72	1.20	2.92	
Private..	Gray, Geo.....	2	86	60	1.46	
Private..	Hollingshead, Jno.....	2	86	60	1.46	
Private..	Lamber[t], Luther.....	2	86	60	1.46	
Private..	Lower, Chas.....	2	86	60	1.46	
Private..	McConnell.....	2	86	60	1.46	
Private..	Newell, Chas. W.....	3	1.29	90	2.19	
Private..	Pickens, Wm.....	4	1.72	1.20	2.92	
Private..	Phillips, Thos.....	2	86	60	1.46	
Private..	Hinton, Jay.....	1	43	30	73	
Total.....					\$ 54.48	

I, Winfield S. Coen, captain commanding company "C," 5th regiment, Iowa National Guards, hereby certify that the foregoing is a true and correct statement of the duty performed by the aforesaid members of said company between the 22d day of February, 1880, and the first day of March, 1880, and that said ser-

Certificate of  
captain.

vices were performed in obedience to the foregoing order and the request of Samuel F. Miller, sheriff of Monroe county, Iowa, and that from all appearances said services were necessary to keep the peace and prevent riot and bloodshed.

WINFIELD S. COEN,  
Captain Co. "C," 5th Regt., I. N. G.

Dated, *February* [March] 5th, 1880.

STATE OF IOWA, }  
Monroe County. } ss.

Certificate of  
sheriff.

I, Samuel F. Miller, sheriff of Monroe county, Iowa, hereby certify that pursuant [to] the order of W. L. Alexander, Adjutant-General, and at my request, Capt. W. S. Coen, Co. "C," 5th Regt., I. N. G., furnished the guards as shown in schedule hereto attached, and that the same were in my judgment necessary to keep the peace and prevent riot, which was at that time threatened.

Signed this 5th day of March, 1880.

SAMUEL F. MILLER,  
Sheriff Monroe county, Iowa.

Approved, March 30, 1880.

## CHAPTER 206.

TO CONSOLIDATE OFFICE OF REGISTER OF STATE LAND OFFICE WITH  
OFFICE OF SECRETARY OF STATE.

S. F. 222.

AN ACT to Consolidate the Office of the Register of the State Land Office with the Office of Secretary of State.

*Be it enacted by the General Assembly of the State of Iowa:*

On 1st Monday  
in January,  
1883, state land  
office to be  
transferred to  
secretary of  
state.

SECTION 1. That on and after the first Monday in January, in the year 1883, the office of register of the state land office shall be transferred to the custody of the secretary of state, and the (present) incumbent of the office of register of the state land office shall then turn over and deliver to the secretary all books, papers, maps, furniture and property of every description held by him as belonging to his office.

Secretary of  
state shall  
perform all  
duties of said  
register.

SEC. 2. From and after the first Monday of January, in the year 1883, all business pertaining to the office of register of the state land office as provided by law, and all duties now required to be performed by the said register shall thereafter be performed by the secretary of state, and he shall have and hold possession and control of all the property turned over to him, as specified in section 1 of this act.

SEC. 3. In addition to the clerical force now allowed by law to the secretary of state for the performance of the duties of his office, he shall be allowed one additional clerk, whose duty it shall be to perform the clerical work pertaining to the land department, as directed by the secretary, and he shall also perform such other duties as the secretary may direct. Allowed one additional clerk.

SEC. 4. The salary of the clerk provided for in this act shall be twelve hundred dollars per annum, to be paid at the end of each month, and the auditor of state shall draw a warrant *in* [on] the state treasury in favor of said clerk on the certificate of the secretary of state stating the amount that may be due. Salary of clerk.

SEC. 5. The office of register of the state land office is hereby abolished from and after the first Monday in January, in the year 1883. Office of register abolished.

Approved, March 30, 1880.

## CHAPTER 207.

### RELATING TO WITNESS FEES IN CRIMINAL CASES.

AN ACT to Repeal Section 3818 of the Code, in Relation to the Payment of Witnesses for the Defendant in Criminal Cases, and to Enact a Substitute Therefor. S. F. 74.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 3818 of the Code is hereby repealed and the following enacted as a substitute therefor, to-wit: Code, § 3818: substitute enacted.

SEC. 3818. In no criminal case shall witnesses for the defense be subpoenaed at the expense of the county, except upon order of the court or judge before whom the case is pending; then only upon a satisfactory showing that the witnesses are material and necessary for the defense, and the board of supervisors shall in no case audit or allow any claims for witness fees, for the defendant in criminal cases, except upon order or judgment of court or judge thereof. And such order may be made at the time of trial or other disposition of the case, and upon such showing as the court may require. §3818: witnesses subpoenaed at expense of county only on order of the court.

Approved, March 30, 1880.

## CHAPTER 208.

## DOUBLE LIABILITY OF STOCKHOLDERS.

**S. F. 274.** AN ACT to Amend Chapter One (1), of Title Nine (9) of the Code of 1873, Creating Double Liability of Stockholders or Shareholders in Corporations Organized under Said Chapter One (1) Aforesaid for the Purpose of Transacting a Banking Business, Buying or Selling Exchange, Receiving Deposits of Money, or Discounting Notes.

*Be it enacted by the General Assembly of the State of Iowa:*

Chap. 1, title 9  
of the Code  
amended.

Double liability  
of stock-  
holders.

Stock-holders  
liable for  
deficiency.

Individual li-  
ability of stock-  
holders.

Over and above  
stock owned.

Publication.

SECTION 1. That chapter one (1), of title nine (9), of the Code of 1873, be and the same is hereby amended by adding thereto as follows: That all stockholders or shareholders in associations or corporations organized under said chapter one (1) aforesaid, for the purpose of transacting a banking business, buying or selling exchange, receiving deposits of money or discounting notes, shall be individually and severally liable to the creditors of such association or corporation of which they are stockholders or shareholders, over and above the amount of stock by them held therein to an amount equal to their respective shares so held for all its liabilities accruing while they remained such stockholders, and should any such association or corporation become insolvent and its assets be found insufficient to pay its debts and liabilities, its stockholders may be compelled to pay such deficiency in proportion to the amount of stock owned by each, not to exceed the extent of the additional liability hereby created.

SEC. 2. That should the whole amount for which the stockholders are made individually responsible, as provided by section one of this act, be found in any case to be inadequate to the payment of all the debts of any such association or corporation, after the application of its assets to the payment of such debts, then the amount due from such stockholders on account of their individual liability created by this act, as such, shall be distributed equally among all the creditors of such corporation in proportion to the amount due to each.

SEC. 3. That the personal liability in this chapter provided for is over and above the stock owned by the stockholders in such corporations and any amount paid thereon.

SEC. 4. This act, being deemed of immediate importance, the same shall take effect and be in force from and after its publication in the Daily Iowa State Register and the Iowa State Leader.

Approved, March 30, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, April 6, 1880.

J. A. T. HULL, *Secretary of State.*



## CHAPTER 209.

## RELATIVE TO EXCEPTIONS.

AN ACT to Repeal Section 2831 of the Code of 1873, and Enact a Substitute Therefor. S. F. 55.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 2831 of the Code of 1873 is hereby repealed, and the following enacted in lieu thereof: Code, § 2831: substitute enacted.

SEC. 2831. An exception is an objection taken to a decision of the court, or party acting as the court, on matter of law. "The party objecting to the decision must do so at the time the same is made (but if decision is on motion, demurrer, or judgment, exception may be taken within three days), and embody his objection in a bill of exceptions to be filed during the term, or within such time thereafter as the court may fix: but in no event shall the time extend more than thirty days beyond the expiration of the term, except by consent of parties or by order of the judge. But in an equitable action tried as such, no bill of exceptions shall be required." § 2831, what and when taken. May be taken in three days, when filed. In equitable actions.

Approved, March 30, 1880.

## CHAPTER 210.

## TO REGULATE FIRE INSURANCE.

AN ACT to Secure Policy-Holders in Fire Insurance Companies From Unjust Forfeitures of Policies. Sub. H. F. 157.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That in every instance where a fire insurance company or association, doing business in this state, shall hereafter take a note or contract for the premium on any insurance policy, or shall hereafter take a premium note or contract which, by its terms, or by any agreement or rule of the company or association, is assessable for the premium due on the policy for which it was given, such insurance company or association shall not declare such policy forfeited, or suspended for non-payment of such note or contract except as hereinafter provided, anything in the policy or application to the contrary notwithstanding. Policy not declared void except as provided in this act.

Give thirty days' notice when any premium note falls due.

Notice, how served.

May cancel policy by paying short rates and costs.

Proviso: on payment of full amount, policy revived.

Proviso.

SEC. 2. Within thirty days prior to, or at any time after the maturity of any note or contract, whether assessable or where the time of payment is fixed in the contract, given for the premium on any policy of insurance, such company or association may serve a notice in writing upon the insured that his note, or an installment thereof, is due, or to become due, stating the amount which will be due on the note or contract, and also the amount required to pay the customary short rates, including the expense of taking the risk up to the time the policy will be suspended under the notice in order to cancel the policy, and that unless payment is made within thirty days his policy will be suspended. Such notice may be served either personally or by registered letter addressed to the assured, at his post-office address named in or on the policy, and no policy of insurance shall be suspended for nonpayment of such amount until thirty days after such notice has been served.

SEC. 3. The assured may, at any time after the maturity of the note, contract or installment, pay to the insurance company or association the customary short rates, including the expense of taking the risk, and the cost of suit in case suit has been commenced or judgment rendered on the note or contract; and upon such payment, if he so elect, his said policy shall be canceled, and any note or contract, or any judgment rendered thereon, shall be canceled and shall be actually void, in whomsoever hands the same may be: *Provided*, that the assured may, at any time before cancellation of the policy, pay to the insurance company or association the full amount due upon any note or contract, and from the date of such payment the policy shall be revived, and shall be in full force and effect: *Provided*, such payment is made during the time stated in the policy, and before a loss occurs. *And Provided, further*, that where any insurance company or association shall bring suit upon such note or contract, and shall collect the same, from the date of such collection the policy shall be revived, and be in full force from the time of such collection: *Provided*, such collection is made during the time stated in the policy, and before a loss occurs. The provisions of this act shall apply to and govern all contracts and policies of insurance contemplated in this chapter, anything in the application or policy to the contrary notwithstanding.

Approved, March 31, 1880.

## CHAPTER 211.

## RELATING TO FIRE INSURANCE.

## AN ACT Relating to Insurance and Fire Insurance Companies.

H. F. 176.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. Any person who shall hereafter solicit insurance, or procure applications therefor, shall be held to be the soliciting agent of the insurance company or association issuing a policy on such application, or on a renewal thereof, anything in the application or policy to the contrary notwithstanding.

Person solicit-  
ing held as  
agent of com-  
pany.

SEC. 2. All insurance companies or associations shall, upon the issue or renewal of any policy, attach to such policy, or indorse thereon, a true copy of any application or representations of the assured, which, by the terms of such policy, are made a part thereof, or of the contract of insurance, or referred to therein, or which may in any manner affect the validity of such policy. The omission so to do shall not render the policy invalid, but if any company or association neglects to comply with the requirements of this section, it shall forever be precluded from pleading, alleging, or proving such application or representations, or any part thereof, or falsity thereof, or any parts thereof, in any action upon such policy; and the plaintiff in any such action shall not be required, in order to recover against such company or association, either to plead or prove such application or representations, but may do so at his option.

Copy of applica-  
tion attached  
to policy.

Failure to  
attach precludes  
company from  
pleading false  
representation.

Plaintiff may  
plead.

SEC. 3. In any suit or action brought in any court in this state on any policy of insurance against the company or association issuing the policy sued upon in case of the loss of any building so insured, the amount stated in the policy shall be received as *prima facie* evidence of the insurable value of the property at the date of the policy: *Provided*, nothing herein shall be construed to prevent the insurance company or association from showing the actual value at the date of the policy, and any depreciation in the value thereof before the loss occurred: *Provided, further*, such insurance company or association shall be liable for the actual value of the property insured at the date of the loss, unless such value exceeds the amount stated in the policy; and in order to maintain his action on the policy it shall only be necessary for the assured to prove the loss of the building insured, and that he has given the company or association notice in writing of such loss, accompanied by an affidavit stating the facts as to how the loss occurred, so far as they are within his knowledge, and the extent of the loss, which notice shall be given within sixty days from the time the loss occurred: *Provided, further*, that no action shall be begun within ninety days after notice of such has been given. All the provisions of this chapter shall apply to and govern all contracts and policies of insurance contemplated in this chapter, anything in the policy or contract to the contrary notwithstanding.

Amount stated  
in policy *prima*  
*facie* correct.

*Provide*: com-  
pany may show  
actual value.

*Provide*: com-  
pany liable for  
full value.

Assured in case  
of loss to give  
notice.

Approved, March 31, 1880.

## JOINT RESOLUTIONS

PASSED BY THE EIGHTEENTH GENERAL ASSEMBLY.

## NUMBER 1.

**MEMORIAL AND JOINT RESOLUTION** in Reference to Remitting and Abating the Internal Revenue Legacy Tax.

**WHEREAS**, The general government, in the year 1864, passed a law requiring the payment of a one per cent revenue tax on all legacies thereafter due; and,

**WHEREAS**, That, during the time that said law was in force, a great many estates have been settled up by administrators, guardians and others, who were liable for said tax without any knowledge of the existence of such a law; and,

**WHEREAS**, The said tax that is now claimed to be due is from parties scattered over the entire country, north, south, east and west, many of whom are dead, or if living unable to pay the same; and,

**WHEREAS**, The expense attending the collection of this tax, scattered as it is in small amounts over the country, will leave no margin to the government, but if any, it will be so small as to be no compensation for the annoyance, trouble and expense it gives the people; and,

**WHEREAS**, There is now pending in congress a bill, the purpose of which is to retire said tax, together with all penalties due or to become due; therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

That our senators and representatives in congress be requested to use their influence to secure the passage of said bill, at as early a time as possible, to the end that the people may be saved from unnecessary trouble and expense in litigations that would arise, and that a copy of this resolution be forwarded to each of our representatives.

Approved, February 14, 1880.

## NUMBER 2.

**JOINT RESOLUTION** in Relation to Inter-State Commerce.

*Resolved by the General Assembly of Iowa:*

That our senators and representatives in congress be and they are hereby requested to use all their influence to secure the enactment by congress of a law that will inaugurate a system of controlling railroad corporations so as

to prevent abuses in management, unjust discrimination and excessive charges for transportation on all inter-state lines of railroads.

*Resolved, 2nd.* That the secretary of state be instructed to furnish a copy of this resolution to each of our senators and representatives in congress.

Approved, February 16, 1880.

### NUMBER 3.

#### MEMORIAL of the General Assembly of the State of Iowa Relating to the Des Moines River Lands.

1. WHEREAS, By an act of congress of August 8, 1846, a grant of land was made to the then territory of Iowa to aid in the improvement of the navigation of the Des Moines river, from its mouth to the Raccoon Forks; and,

2. WHEREAS, On the 9th day of June, 1854, the state of Iowa contracted with a corporation known as the Des Moines Navigation and Railroad Company to complete the work then begun by the state as provided by said grant, and to be done for the lands granted thereby without liability of the state; and,

3. WHEREAS, The state in 1858 for the purpose of a settlement with said corporation, made a deed to the said company, of what title the state then had to certain lands therein described north of the Raccoon Fork; and,

4. WHEREAS, By a decision of the Supreme Court of the United States at the December term, 1859, between the Dubuque & Sioux City Railroad Company and Edwin C. Litchfield, it was decided that said grant did not extend above the Raccoon Fork, and that the certificates issued by the land department to the state for said lands were void, and that the said company had no title whatever to the lands claimed by them above said Raccoon Fork; and,

5. WHEREAS, By the joint resolution of congress of March 2, 1861, all the remaining interest in said lands above said Raccoon Forks so erroneously certified was released to the *bona fide* holders of the patents of the state, and by the act of congress of July 12, 1862, said grant of 1846 was extended so as to include the odd numbered sections lying within five miles of said river between the Raccoon Fork, and the north line of the State of Iowa; and,

6. WHEREAS, Numerous settlers entered upon the said lands lying north of the Raccoon Fork at various times, some of them as early as 1854, believing them to be government lands open to settlement under the pre-emption and homestead laws of the United States, and have made valuable improvements thereon with a view to ultimate perfection of their title, many of whom have long held possession from the United States under said laws; and,

7. WHEREAS, The secretary of the interior, Hon. O. H. Browning, on the 9th day of May, 1868, in an opinion carefully reviewing the acts of 1846, 1861 and 1862 and what is known as the Harvey settlement of 1866

under them, also the contradictory opinions of the various officials upon the original grant of 1846, and the decisions of the Supreme court of the United States and particularly that known as the Wolcott case, decided that the said lands heretofore improperly certified north of the Raccoon Fork were open to preemption and settlement under the laws of the United States; and,

8. WHEREAS, In pursuance of such opinion and decisions and encouraged thereto by such authority and the advice of eminent council, several hundreds of said settlers proceeded to file their declarations and undertook in good faith to perfect their titles to the lands selected and improved by them as mentioned, and many of said settlers had prior to that time so filed their declarations and applied to preempt said land and make homestead entries therein; and,

9. WHEREAS, Grievous litigation is now pending in the various courts of the state and of the United States relating to the title to said lands, improvements thereon, etc.; and,

WHEREAS, On account of the very great hardship that has been brought about by the conflicting decisions aforesaid, great disturbance and trouble has already arisen and is likely to arise unless some satisfactory and just action be taken by the state and general government relating to this subject; and,

10. WHEREAS, The settlers aforesaid are wholly without remedy under the effect of said rulings of the various departments, and officers of the general government and courts, and they desire that the United States should take proper action to protect them, and it has become a matter of vital importance to all the settlers on these lands whether holding under the United States laws as preemptors, or under the company, as well as to all other people residing along the Des Moines valley from the Raccoon Fork to the north line of 92 on the east side, and the north line of 88 on the west side of the river, to which point said lands were certified, that these long continued and vexing controversies connected with the legislation referred to be fully and finally settled; and,

11. WHEREAS, The settlers upon said lands believe that no action has ever been taken relating to these lands in which the United States and the interest of the United States have been fairly and properly represented in court, and only desire that this may be done; therefore,

*Be it resolved by the House of Representatives of the State of Iowa, the Senate concurring,* That our senators in congress, be instructed and our representatives requested to favor the immediate passage of a bill which shall in some manner provide for the Attorney-General of the United States to immediately commence proceedings or cause such proceedings to be instituted by suit, either in law or in equity or both as may be necessary and appear in the name of the United States so as to remove all clouds from the title to said lands in which suits any person or persons in possession of, or claiming title to, any tract or tracts of land under the United States involved in such suits may at his or their expense unite with the United States in the prosecution of such suits, to the end that the title or titles of any person or persons claiming said lands may be forever settled.

Approved, February 16, 1880.

## NUMBER 4.

## JOINT RESOLUTION in Regard to Meandered Lakes in the State of Iowa.

*Be it resolved by the General Assembly of the State of Iowa:*

That our senators in congress be instructed, and our representatives requested, to use their best endeavors to secure the relinquishment, by the United States to the state of Iowa, of the title to all meandered lakes within the limits of the state, the state to take care that such lakes be preserved, and in no event to part with the title thereto.

Approved, February 27, 1880.

## NUMBER 5.

## JOINT RESOLUTION Providing for Room in the New Capitol Building for the State Horticultural Society.

WHEREAS, The State Horticultural Society has, by the progress it has made in the advancement of this department, proven itself worthy of encouragement; and,

WHEREAS, There has been no provision made for this society in the new capitol building, where its specimen casts of fruit, and library can be arranged and preserved; therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

That the capitol building shall contain suitable room or rooms for the use of the State Horticultural Society, to be hereafter designated by the general assembly at the present session, for museum and library purposes, for the better protection and preservation of its casts of fruit, specimens of wood, geological specimens and its library, and that said room or rooms be finished with reference to the use for which they are designed.

Approved, March 5, 1880.

## NUMBER 6.

**JOINT RESOLUTION** Agreeing to, Ratifying, and Confirming an Amendment to Section Four (4) of Article Three (3) of the Constitution of the State of Iowa, Relating to the Legislative Department.

**WHEREAS**, The seventeenth general assembly of the state of Iowa did, in due form, by a majority of the members elected to each of the two houses, agree to a proposed amendment to the constitution of this state, to strike the words "free white" from the third line of section four (4) of article three (3) of said constitution, and the same was entered on the journals thereof, and was referred to the legislature to be chosen at the next general election, and the same having been published as provided by law; therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

That the following amendment to the constitution of the state be and the same is hereby agreed to, ratified, and confirmed: Strike out the words "free white" from the third line of section four (4) of article three (3) of said constitution, relating to the legislative department.

*Resolved, further*, That the foregoing proposed amendment to the constitution be and the same is hereby submitted to the qualified electors of this state for their approval at the next ensuing general election, in the manner provided by law.

Approved, March 12, 1880.

## NUMBER 7.

**JOINT RESOLUTION** in Relation to the Pardon of Wm. Riley.

**WHEREAS**, Wm. Riley was convicted of the alleged crime of murder in the first degree on the — day of October, 1873; and,

**WHEREAS**, Since said conviction doubts have arisen as to the guilt of said William Riley of the crime charged and of which he was convicted; and,

**WHEREAS**, Said William Riley, as shown by the official report of the physician of the penitentiary, is subject to severe hemorrhages, and is never able to work; therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

That the governor is hereby recommended, if in his opinion said convict Wm. Riley deserves executive clemency, to pardon him, or commute the sentence of said Riley, as in his discretion may seem just.

Approved, March 17, 1880.



## NUMBER 8.

**JOINT RESOLUTION** Proposing to Amend the Constitution so as to Prohibit the Manufacture and Sale of Intoxicating Liquor as a Beverage Within this State.

*Be it resolved by the General Assembly of the State of Iowa:*

That the following amendment to the constitution of the state of Iowa be and the same is hereby proposed: To add, as section 26 to article 1 of said constitution, the following:

**SECTION 26.** No person shall manufacture for sale, or sell or keep for sale as a beverage, any intoxicating liquors whatever, including ale, wine and beer.

The general assembly shall by law prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for the violation of the provisions hereof.

*Resolved, further,* That the foregoing proposed amendment be and the same is hereby referred to the legislature to be chosen at the next general election for members of the next general assembly, and that the secretary of state cause the same to be published for three months previous to the day of said election, as provided by law.

Approved, March 17, 1880.

## NUMBER 9.

**JOINT RESOLUTION AND MEMORIAL** Relative to Locating Land By the Several Counties of This State.

**WHEREAS,** There is a large amount of land due the several counties of this state from the United States in lieu of swamp lands sold by the general government; and,

**WHEREAS,** There are no United States lands in the state of Iowa upon which the counties of this state can locate the land scrip due them from the general government; therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

That our senators and representatives in congress be and are respectfully requested and urged to use all lawful means to procure the passage of an act, by the congress of the United States, authorizing the location of the land scrip due the several counties of this state upon any government lands open to public entry in any other state or territory of the United States.

Approved, March 17, 1880.

## NUMBER 10.

**MEMORIAL AND JOINT RESOLUTION** Relative to Securing to the State of Iowa the Patents for Certain Lands Granted to Said State to Aid in the Construction of a Certain Railroad.

WHEREAS, The congress of the United States, by an act approved May 12, 1864, granted to the state of Iowa, for the purpose of aiding in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said state, in a westerly direction, by the most practicable route, on or near the forty-third parallel of north latitude, until it should intersect the railroad to be constructed from Sioux City to the Minnesota state line in the county of O'Brien in said state, every alternate section of land designated by odd numbers for ten sections in width on each side of said road; and,

WHEREAS, The state of Iowa subsequently accepted said grant, and filed its map showing the location of said railroad from McGregor to Algona, and thence westerly to said point of intersection at Sheldon, in said county of O'Brien, and the lands so granted were, upon such location, withdrawn from market for the purpose of said grant; and,

WHEREAS, Said grant was, by an act of the general assembly of the state of Iowa, approved March 31st, 1868, conferred upon the McGregor and Sioux City Railway Company, afterwards known as the McGregor and Missouri River Railway Company, and said company subsequently completed said road to Algona in 1870; and,

WHEREAS, On account of the failure of said company further to complete said road, the general assembly of the state of Iowa, by an act approved on the 27th of February, 1878, resumed said lands to the state, and by the same act granted the same to the Chicago, Milwaukee and St. Paul Railway Company, on condition that said company should construct said road from Algona to Emmetsburg, in Palo Alto county, and locate and establish its depot upon the ground selected by the McGregor and Missouri River Railway Company, as shown by the town plat of Emmetsburg, and thence to Spencer, in Clay county, and locate and establish its depot upon section 7, township 96, range 36, on or before the first day of January, 1879, and thence by the most direct and practicable route to the point of intersection with the Sioux City and St. Paul Railroad, within one-half mile of the corporate limits of Sheldon, in O'Brien county, on or before the first day of January, 1880; and,

WHEREAS, The said Chicago, Milwaukee and St. Paul Railway Company did, in the year 1878, construct and complete said railway from Algona, by way of Emmetsburg and Spencer, to Sheldon, as required by said act; and,

WHEREAS, The governor of the state of Iowa, by his certificate bearing date on the 30th day of November, 1878, certified to the Secretary of the Interior that said Chicago, Milwaukee and St. Paul Railway Company had completed said railway from Algona to Sheldon as a first class railway; and,

WHEREAS, The state of Iowa has made application to the Secretary of the Interior for patents to the lands so as aforesaid granted to said state,

and objection has been made by the Secretary of the Interior to the issuance of said patents, for the reason that said railway from Algona to Sheldon is not constructed on the exact line of definite location upon which said lands were reserved, but is constructed substantially upon said line, and on the exact line required by the act of the general assembly, granting to the Chicago, Milwaukee and St. Paul Railway Company said lands; and,

WHEREAS, All the lands withdrawn from market as applicable to said grant on the line as definitely located, would have appertained to the grant had the line of construction been the line of location, and no additional or different lands are required in consequence of said location from what would have been required had the line of construction been the line of location; now, therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

That our senators in congress be instructed, and our representatives requested, to give this subject their careful and diligent attention, and to secure, if possible, the issuing of said patents to the state of Iowa, in compliance with said grant; and,

*Be it further resolved,* That in case the said Secretary of the Interior insists upon his said objection, and declines to issue said patents, that then and in that case our said senators be instructed, and our representatives requested, to procure the passage by congress of a joint resolution legalizing the construction of said railroad on the line upon which it is constructed as a compliance with the grant so as aforesaid made by congress by the act of May 12, 1864, and giving to the state of Iowa all the lands so withdrawn on said located line in pursuance thereof, and directing the Secretary of the Interior to issue said patents to said state; and,

*Be it further resolved,* That the governor of this state be and he is hereby respectfully requested to transmit a copy of this memorial and these resolutions to each of our senators and representatives in congress from this state.

Approved, March 18, 1880.

## NUMBER 11.

JOINT RESOLUTION, Proposing to Amend Article Eleven, Section One, of the Constitution of the State of Iowa, and to Provide for its Reference and Publication.

*Be it Resolved by the General Assembly of the State of Iowa:*

That the following amendment to the constitution of the state be and the same is hereby proposed:

"Strike out the words one hundred (100) from the fourth (4th) line of section one (1), article eleven (11), and insert the words three hundred (300).

"Strike out the words three hundred (300) in the last line of section one (1), article eleven (11), and insert the words five hundred (500)."

*Resolved, further,* That the foregoing proposed amendment to the constitution of the state of Iowa, be and the same is hereby referred to the legislature to be chosen at the next general election for members of the general assembly, and that the secretary of state cause the same to be published for three months previous to the day of such election, in two weekly newspapers in each congressional district in the state.

Approved, March 22, 1880.

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### NUMBER 12.

JOINT RESOLUTION, Requesting the Members of the House of Representatives and Senators from Iowa in Congress, to Endeavor to Procure Such Modification of the Patent Laws as will Relieve Innocent Parties from Prosecution for Using Patented Devices.

*Be it Resolved by the General Assembly of the State of Iowa:*

1. That our representatives and senators in congress from Iowa are hereby requested to use all the influence in their power to procure such a modification of the patent laws of the United States as will relieve innocent parties using patented devices from liability to prosecution, and limiting prosecutions for infringement of our patent laws to manufacturers and vendors of articles which may be infringements of patents.

2. *Resolved,* That the secretary of state is hereby instructed to send a copy of the foregoing resolution to each of our senators and representatives in congress as soon as practicable.

Approved, March 22, 1880.

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### NUMBER 13.

JOINT RESOLUTION, Relative to the Assignment of Rooms in the New Capitol Building.

*Be it Resolved by the General Assembly of the State of Iowa:*

That the assignment of rooms in the new capitol building indicated in the report of the joint committee appointed to assign the same, and shown by the exhibits therewith presented, be and the same are hereby agreed to, and the said assignments confirmed and made valid.

Approved, March 25, 1880.

## NUMBER 14.

**MEMORIAL AND JOINT RESOLUTION in Relation to the Removal of Obstructions from the Channel of the Nishnabotna River.**

WHEREAS, The Nishnabotna river, in south-western Iowa, has been recognized by the national government as a navigable stream and meandered in the public surveys as such streams are, from its mouth, in Holt county, Missouri, to a point near Riverton, Fremont county, Iowa; and,

WHEREAS, About the year 1867, the Missouri river cut away its east bank until it reached the channel of the Nishnabotna river, and thus made a new mouth for said river, about three miles south of the state line between Missouri and Iowa, and about thirty or forty miles north of where said river formerly emptied into the Missouri river; and,

WHEREAS, The general assembly of the state of Missouri, in the year 1868, passed an act authorizing Atcheson county, in said state, to put in an embankment across the old channel of the Nishnabotna river, and said county did soon after the passage of said act cause an embankment to be constructed across the said old channel below the new mouth of said river; and,

WHEREAS, Since that time the main channel of the Missouri river has changed, and now runs west of McKissick's island, about five miles west of where the steamboat channel was at the time said river cut into the channel of the Nishnabotna, leaving what had been for many years the steamboat channel of said Missouri river a mere slough, almost without water when said river is low; and,

WHEREAS, In times of high water in the Missouri and Nishnabotna rivers vast quantities of sand and sediment have been deposited in said slough, and thus the new mouth of said Nishnabotna has been filled and choked up, so as to prevent the water in said river from flowing into the Missouri river, and thus damming up the water in said Nishnabotna river, so as to raise the low water-mark in said river, at the state line, at least ten (10) feet higher than it was before the mouth of said river was so obstructed, thereby causing said river to overflow its banks and destroy large tracts of valuable farming lands; and by reason of the stagnant water in said river, during the summer and autumn months, being a cesspool of malaria, thereby seriously affecting the health and comfort of several thousand citizens of Iowa and Missouri; therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

1. That our senators be instructed and our representatives in congress be requested to use their influence for the passage of an act by congress to remove the obstructions placed in the old channel of said Nishnabotna river, or to so straighten said river as to avoid said obstructions, and that to accomplish that purpose they procure from the national government an appropriation of twenty thousand dollars (\$20,000) to be used in removing said obstructions and straightening said river, or so much as may be necessary to accomplish said object.

2. That the secretary of state be directed to forward to the president of the United States senate, and the speaker of the house of representatives, a copy of the foregoing resolution, with a request that the same be laid before each house of congress; and that a copy be sent to each senator and member of congress from this state.

Approved, March 25, 1880.



## CERTIFICATE.

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STATE OF IOWA, }  
OFFICE OF SECRETARY OF STATE, }

I, JOHN A. T. HULL, Secretary of State of the State of Iowa, hereby certify that the acts, resolutions, and memorials herein contained, are truly copied from the original rolls on file in this office, and that the same are true and correct, except that the words inclosed by brackets [thus] have been inserted where it was evident an omission had occurred. Words in *italics* (except the enacting clause, and the word *Provided*, etc.) indicate that such words are either superfluous or erroneous; in the latter case the word or words supposed to be correct follow in brackets.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the great seal of the State.

[STATE SEAL.]

Done at Des Moines, the Capital of the State, this 22d day  
of April, A. D. 1880.

JOHN A. T. HULL, *Secretary of State.*





## FINANCIAL STATEMENT.

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STATE OF IOWA,  
OFFICE OF AUDITOR OF STATE,  
DES MOINES, APRIL 5, 1880. }

HON. J. A. T. HULL, *Secretary of State*:

SIR—In pursuance of the requirements of Section 18, Article III, of the Constitution of Iowa, I have the honor to submit, for publication with the Laws of the Eighteenth General Assembly, the following general statement of the receipts and expenditures of the public money for the biennial fiscal term, commencing October 1st, 1877, and ending September 30, 1879, both days inclusive.

BUREN R. SHERMAN,  
*Auditor of State, Iowa.*



## AUDITOR'S STATEMENT.

### CONDITION OF TREASURY.

THE balance remaining in the state treasury at the close of the fiscal term, September 30, 1877, was \$78,787.39, and was distributed among the several funds as follows:

General Revenue.....	\$ 25.56
Agricultural College Endowment Fund.....	68,160.00
Coupon Fund.....	245.85
Swamp Land Fund .....	5,305.98
Total.....	\$ 73,787.39

There has been received into the state treasury during the past fiscal term, the sum of \$2,260,336.54, which amount added to the above balance on hand, makes the sum of \$2,334,073.93, and disbursements by the state treasurer during the same period amounted to \$2,259,886.56, leaving in the state treasury September 30, 1879, a balance of \$74,187.37, which was distributed among the several funds, as follows:

Agricultural College Endowment Fund .....	\$ 71,742.87
Coupon Fund ...	217.65
Permanent School Fund.....	2,226.65
Total.....	\$ 74,187.37

### GENERAL STATEMENT OF RECEIPTS AND DISBURSEMENTS.

#### 1ST.—RECEIPTS.

The receipts were derived from the following sources:

#### General Revenue—

From state tax levy.....	\$1,686,662.19
From interest on delinquent taxes.....	26,867.72
From insane dues from counties .....	262,093.44
From Orphans' Home dues from counties .....	10,849.95
From peddlers' licenses .....	1,214.47
From sale of laws, codes, and revisions .....	8,352.82
From insurance companies for taxes .....	85,948.88
From insurance companies for fees, by Auditor of State.....	33,961.00
From Register of State Land office, for fees .....	355.25
From Secretary of State, for fees .....	5,820.00
From Shaw notes (Dyer property) .....	2,000.71
From Rankin defalcation .....	1,262.00
From Orwig defalcation.....	1,072.00
From telegraph companies, for taxes .....	2,887.80
From sale of arms, ammunition, etc., by Adjutant-General.....	412.26
From Iowa State Penitentiary, by warden .....	15,001.59
From Clerk of the Supreme Court, for fees.....	3,445.57
From sale of old furniture, waste paper, and stationery.....	364.25

\$2,143,077.99

**Other Sources—**

Agricultural College Endowment Fund—from sale of lands.....	\$ 3,582.87
Coupon Fund—transferred from general revenue.....	42,000.00
Swamp Land Fund—from United States.....	27,791.25
Permanent School Fund.....	2,226.66
Temporary School Fund.....	41,657.78

\$2,260,336.54

Balance on hand September 30, 1877..... 73,737.39

Total.....\$2,334,073.93

**DISBURSEMENTS.**

The disbursements were for the following purposes:

**General Revenue—**

Redemption of Auditor's warrants.....	\$2,115,775.19
Interest allowed on same.....	27,328.36

Total.....\$2,143,103.55

**Other Purposes—**

Coupon Fund.....	\$ 42,028.00
Swamp Land Fund—paid to counties.....	33,097.23
Temporary School Fund—apportioned to counties.....	41,657.78

\$ 2,259,886.56

Balance in treasury September 30, 1879..... 74,187.37

Total.....\$2,334,073.93

**STATE INDEBTEDNESS.**

War and Defense Fund 7 per cent bonds issued under chapter 16, acts of extra session of 1861, due July 1st, 1881.....\$ 300,000.00

The Revenue Fund has also become responsible to the School Fund for the following bonds:

Bond No. 1, issued to the Permanent School Fund of the State, dated November 12, 1864, interest payable on the first days of January and July in each year, at 8 per cent, for.....	122,296.75
Bond No. 2, issued to Permanent School Fund of the State, dated March 2, 1868, interest payable on the first days of January and July in each year, at 8 per cent, for.....	112,202.26
Bond No. 3, issued to the Permanent School Fund of the State, dated November 1, 1871, interest payable on the first days of January and July in each year, at 8 per cent, for.....	8,558.14
Bond No. 4, issued to the Permanent School Fund of the State, dated January 5, 1876, interest payable on the first days of January and July in each year, at 8 per cent, for.....	2,379.04
(Bonds Nos. 3 and 4 were issued for losses to the Permanent School Fund, in accordance with article 7, section 3, of the new constitution, and of section 2, chapter 134, acts of 1864.)	

Total bonded indebtedness.....\$ 545,435.19

## STATEMENT,

Showing the amount of warrants issued, and to what account charged, and other expenditures of general revenue during the fiscal term ending September 30, 1879:

<i>Accounts.</i>	<i>Amount Expended.</i>
Accountant of the Board of Capitol Commissioners .....	\$ 600.00
Adjutant-General's salary .....	2,572.07
Adjutant-General's ordnance sergeant's salary .....	300.00
Attorney-General's salary and per diem .....	3,995.00
Auditor of State's salary .....	4,428.83
Auditor of State's deputy's salary .....	2,400.00
Auditor of State's clerk's fund .....	4,717.75
Adjutant-General's clerk's fund and Q. M. General expenses .....	594.00
Clerk of the Supreme Court's salary .....	2,731.00
Clerk of the Supreme Court's clerk's fund .....	1,531.90
Circuit Judge's salary, 1st Circuit, 1st District .....	4,400.02
Circuit Judge's salary, 2d Circuit, 1st District .....	2,749.95
Circuit Judge's salary, 2d Circuit, 1st District .....	5,316.57
Circuit Judge's salary, 3d District .....	4,216.59
Circuit Judge's salary, 4th District .....	4,216.59
Circuit Judge's salary, 1st Circuit, 5th District .....	4,033.96
Circuit Judge's salary, 2d Circuit, 5th District .....	2,749.95
Circuit Judge's salary, 6th District .....	4,399.92
Circuit Judge's salary, 1st Circuit, 7th District .....	4,583.96
Circuit Judge's salary, 2d Circuit, 7th District .....	2,566.62
Circuit Judge's salary, 8th District .....	4,583.99
Circuit Judge's salary, 9th District .....	4,399.92
Circuit Judge's salary, 10th District .....	3,850.00
Circuit Judge's salary, 11th District .....	4,583.95
Circuit Judge's salary, 12th District .....	4,399.92
Circuit Judge's salary, 13th District .....	4,399.92
Circuit Judge's salary, 14th District .....	4,583.95
District Judge's salary, 1st District .....	4,216.60
District Judge's salary, 2d District .....	4,216.70
District Judge's salary, 3d District .....	3,849.95
District Judge's salary, 4th District .....	4,399.93
District Judge's salary, 5th District .....	4,216.70
District Judge's salary, 6th District .....	4,217.04
District Judge's salary, 7th District .....	4,583.96
District Judge's salary, 8th District .....	4,399.99
District Judge's salary, 9th District .....	4,399.93
District Judge's salary, 10th District .....	4,399.92
District Judge's salary, 11th District .....	4,193.11
District Judge's salary, 12th District .....	4,399.92
District Judge's salary, 13th District .....	4,583.95
District Judge's salary, 14th District .....	4,399.92
District Attorney's salary, 1st District .....	1,250.00
District Attorney's salary, 2d District .....	1,550.00
District Attorney's salary, 3d District .....	1,250.00
District Attorney's salary, 4th District .....	1,195.00
District Attorney's salary, 5th District .....	1,150.00
District Attorney's salary, 6th District .....	1,300.00
District Attorney's salary, 7th District .....	1,200.00
District Attorney's salary, 8th District .....	1,200.00
District Attorney's salary, 9th District .....	1,259.00
District Attorney's salary, 10th District .....	1,200.00
District Attorney's salary, 11th District .....	1,150.00

<i>Accounts.</i>	<i>Amount Expended.</i>
District Attorney's salary, 12th District .....	\$ 1,250.00
District Attorney's salary, 13th District .....	1,200.00
District Attorney's salary, 14th District .....	1,200.00
Executive Council's additional salary .....	1,800.00
Governor's salary and room rent .....	7,150.00
Governor's contingent fund .....	3,330.09
Governor's private secretary's salary .....	2,400.00
Janitor and night watch fund .....	4,380.00
Railroad Commissioner's salary, James W. McDill .....	4,500.00
Railroad Commissioner's salary, Peter A. Day .....	4,500.00
Railroad Commissioner's salary, Cyrus C. Carpenter .....	1,250.00
Railroad Commissioner's salary, Marcus C. Woodruff .....	3,000.00
Railroad Commissioner's secretary's salary, J. S. Cameron .....	2,107.15
Register of State Land Office's salary .....	4,083.67
Register of State Land Office deputy's salary .....	2,086.00
Register of State Land Office clerk's fund .....	454.00
Secretary of State's salary .....	4,400.66
Secretary of State's deputy's salary .....	2,400.00
Secretary of State's clerk's fund .....	2,162.00
State Librarian's salary .....	2,150.00
State Treasurer's salary .....	4,229.62
State Treasurer's deputy's salary .....	2,400.00
State Treasurer's clerk's fund .....	1,917.16
State Superintendent of Weights and Measure's salary .....	100.00
State Fish Commissioner's salary .....	2,300.00
Superintendent of Public Instruction's salary .....	4,399.99
Superintendent of Public Instruction's deputy's salary .....	2,400.00
Superintendent of Public Instruction's clerk's fund .....	2,184.00
Superintendent of Public Instruction's contingent fund .....	254.00
Supreme Judge's salary, Austin Adams .....	7,666.59
Supreme Judge's salary, Joseph M. Beck .....	7,666.60
Supreme Judge's salary, James G. Day .....	7,666.60
Supreme Judge's salary, James H. Rothrock .....	7,999.92
Supreme Judge's salary, Wm. H. SeEVERS .....	7,999.92
Supreme Court, contingent fund .....	5,837.96
Agricultural College, for improvements and repairs .....	3,972.25
Agricultural College, for board of trustees' mileage .....	1,858.50
Agricultural Societies .....	32,314.33
Arrest of fugitives .....	9,115.88
Asylum for Feeble-Minded Children, support .....	25,333.65
Asylum for Feeble-Minded Children, trustees' mileage .....	1,056.40
Asylum for Feeble-Minded Children, improvements and repairs .....	14,100.00
Blind Institution, clothing account .....	1,345.04
Blind Institution, improvements .....	2,200.00
Blind Institution, support and pupilage .....	47,600.00
Centennial Exposition .....	301.45
Deaf and Dumb Institution, clothing account .....	509.54
Deaf and Dumb Institution, building and improvements .....	46,168.13
Deaf and Dumb Institution, support and pupilage .....	46,500.00
Des Moines River Lands .....	441.29
Distributing House and Senate Journals, 17th G. A. ....	1,200.00
Gray Uniform Claims .....	114.00
Hospital for Insane at Independence, building and improvements .....	71,312.92
Hospital for Insane at Independence, trustees' expenses .....	1,369.50
Hospital for Insane at Independence, county dues .....	119,164.01
Hospital for Insane at Mt. Pleasant, county dues .....	192,164.00
Hospital for Insane at Mt. Pleasant, improvements .....	24,800.00
Hospital for Insane at Mt. Pleasant, trustees' expenses .....	1,503.05
Interest on School Fund Loans .....	40,058.69
Interest on War and Defense Bonds .....	42,000.00
Iowa Soldiers' Orphans' Home, improvements .....	5,875.00

<i>Accounts.</i>	<i>Amount Expended.</i>
Iowa Soldiers' Orphans' Home, support.....	\$ 24,449.97
Iowa Orphans' Home, county dues.....	9,336.46
Iowa Soldiers' Orphans' Home, trustees' expenses .....	313.60
Iowa Weather Service.....	1,751.40
Miscellaneous expenditures .....	19,798.41
New Capitol Building.....	348,339.94
Penitentiary at Anamosa, building and improvements.....	35,278.18
Penitentiary at Anamosa, commissioner's salaries.....	150.00
Penitentiary at Anamosa, support.....	35,172.46
Penitentiary at Anamosa, warden's salary.....	3,750.04
Penitentiary at Anamosa, clerk's salary .....	1,579.98
Penitentiary at Anamosa, physician's salary .....	900.00
Penitentiary at Anamosa, teachers' salary.....	1,365.00
Penitentiary at Anamosa, guards' pay, hospital steward and turnkey's salaries .....	25,691.84
Penitentiary at Ft. Madison, support .....	6,092.35
Penitentiary at Ft. Madison, improvements .....	15,158.69
Penitentiary at Ft. Madison and Anamosa, visitors' expenses.....	32.60
Penitentiary at Ft. Madison, warden's salary.....	3,750.06
Penitentiary at Ft. Madison, deputy warden's salary .....	2,400.00
Penitentiary at Ft. Madison, clerk's salary.....	1,579.98
Penitentiary at Ft. Madison, physician's salary.....	1,020.00
Penitentiary at Ft. Madison, chaplain and teacher's salary.....	1,725.00
Penitentiary at Ft. Madison, guards' pay, hospital steward and turnkey's salaries.....	45,885.00
Penitentiary at Ft. Madison, transportation of discharged convicts....	439.61
Propagation of Fish.....	5,322.06
Providential contingencies .....	443.63
Relief of Metz.....	490.00
School Journal .....	333.98
State Binding .....	17,512.31
State Historical Society .....	1,000.00
State Horticultural Society.....	2,000.00
State Library .....	2,000.00
State Printing.....	32,267.55
State Normal School, support and contingent expenses .....	12,750.00
State Normal School, directors' expenses.....	760.70
State Reform School, girls' department, repairs and rent.....	1,625.00
State Reform School, boys' department, improvements.....	1,200.00
State Reform School, support.....	45,615.00
State Reform School, trustees' mileage.....	1,580.40
State University, support.....	17,796.40
State University, regent's mileage.....	2,196.70
State University, endowment fund.....	25,000.00
State University, improvements and repairs.....	10,000.00
Stationery.....	12,185.99
Supreme Court Reports .....	10,000.00
Seventeenth General Assembly, members' and officers' salaries .....	94,582.00
Seventeenth General Assembly, members' mileage.....	7,458.14
Seventeenth General Assembly, expenses of visiting committees .....	769.89
Seventeenth General Assembly, special appropriations.....	19,137.87
Teachers' Institutes.....	9,850.00
Transportation of arms, armory rent, and other military expenses ....	3,919.04
War and Defense Fund, revenue.....	117.39
Total amount of warrants issued during the fiscal term .....	\$ 1,944,992.42
Interest paid on revenue warrants redeemed .....	27,325.36
Mileage paid to county treasurers and banks .....	1,517.15
Total expenditures.....	\$ 1,973,837.93





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## APPENDIX.

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No evidence has been received of the publication of the acts cited below in the newspapers named. Hence no certificate further than is already presented in the foregoing pages can be given.

Chapter 13, page 12: "Council Bluffs Nonpareil."

Chapter 17, page 16: "Iowa State Register."

Chapter 20, page 19: "Iowa State Register."

Chapter 35, page 32: "Iowa State Register."  
"Rock Rapids Review."

Chapter 65, page 56: "Iowa State Register."

Chapter 81, page 79: "Iowa State Register."

Chapter 87, page 84: "Iowa State Register."

Chapter 104, page 96: "Iowa State Register."  
"Dunlap Reporter."

Chapter 106, page 99: "Iowa State Register."  
"Iowa City Republican."

Chapter 108, page 101: "Iowa State Register."

Chapter 117, page 113: "Iowa City Republican."

Chapter 134, page 130: "Iowa State Register."

Chapter 177, page 172: "Palo Alto Reporter."

Chapter 204, page 202: "Iowa State Register."  
"Waterloo Courier."

J. A. T. HULL, *Secretary of State.*



# TIMES OF HOLDING THE DISTRICT AND CIRCUIT COURTS

*Of the State of Iowa, for the Years 1880 and 1881.*

Judicial Districts.	COUNTIES.	COUNTY SEATS.	DISTRICT COURT.											
			1880.						1881.					
			January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
5	Adair	Greenfield		1						27			7	26
3	Adams	Corning		22						18			21	17
10	Allamakee	Waukon			10					22			7	21
2	Appanoose	Centerville		8						11			9	10
13	Audubon	Audubon	26							26			24	25
8	Benton	Vinton		8						4			14	3
9	Black Hawk	Waterloo		29		21				22			4	5
11	Boone	Boonsboro	17							14			15	13
12	Bremer	Waverly			5					13			4	12
4	Buchanan	Independence		15		14				8			21	21
14	Buena Vista	Storm Lake			26					22			25	5
12	Butler	Butler Center			3					6			2	12
14	Calhoun	Rockwell City	19							13			17	14
13	Carroll	Carroll			22					15			21	28
13	Cass	Atlantic		9						6			7	28
8	Cedar	Tipton			3					22			21	28
9	Cerro Gordo	Mason City			15					22			2	3
4	Cherokee	Cherokee	16							4			14	12
10	Chickasaw	New Hampton				7				13			6	21
3	Clarke	Osceola			26					22			25	14
14	Clay	Spencer			12					15			11	7
10	Clayton	Elkader	12							6			10	5
7	Clinton	Clinton		2		8				9			1	8
13	Crawford	Denison			12					8			11	7
8	Dallas	Adel			5					18			4	17
2	Davis	Bloomfield		23						27			21	26
3	Decatur	Leon	12		31					7			10	31
9	Delaware	Delhi		1		7				25			7	24
1	Des Moines	Burlington	5		24					26			3	7
14	Dickinson	Spirit Lake			5					8			4	2
9	Dubuque	Dubuque	5		19					20			3	19
14	Emmet	Swan Lake		31						3			30	2
10	Fayette	West Union		9						27			8	26
12	Floyd	Charles City		1						8			7	14
11	Franklin	Hampton			26					8			25	7
13	Fremont	Sidney		22						18			21	17
13	Greene	Jefferson			3					22			2	21
9	Grundy	Grundy Center		16						6			21	5
6	Guthrie	Guthrie Center			15					4			21	3
11	Hamilton	Webster City			30					19			29	18
12	Hancock	Concord	19							20			17	19
11	Hardin	Eldora			10					22			9	21
4	Harrison	Logan	6							31			4	20
1	Henry	Mt. Pleasant		8						16			14	15
10	Howard	Cresco			5					22			4	21
14	Humboldt	Dakota		2						28			1	7
14	Ida	Ida Grove				7							6	27
7	Iowa	Marengo		2						23			7	13
7	Jackson	Maquoketa			30		22			30			29	29
6	Jasper	Newton	26			24							24	23
6	Jefferson	Fairfield		1						1			7	7
8	Johnson	Iowa City	5			7							3	6
8	Jones	Anamosa			17					13			16	12
6	Keokuk	Sigourney			5					6			4	5

## DISTRICT COURT—CONTINUED.

Judicial District.	COUNTY.	COUNTY SEAT.	DISTRICT COURT.																					
			1880.												1881.									
			January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.
14	Kossuth	Algona		8							4				14	7						5	3	
1	Lee	Keokuk	9																					
1	Lee	Ft. Madison		26								13				25	4							13
8	Linn	Marion		5							25					4							24	
1	Louis	Wapello		5							11					4							10	
2	Lucas	Chariton		12								8				11							7	
4	Lyon	Rock Rapids			18								14				17						13	
5	Madison	Winterset	2								6					7						5		
6	Mahaska	Oskaloosa			19								20			18								19
6	Marion	Knoxville	13			10								10			9							
11	Marshall	Marshalltown				31							13				30							12
18	Mills	Glenwood		1							27					28						26		
12	Mitchell	Osage	2								11					7						10		
4	Monona	Onawa	3								21					1						20		
2	Monroe	Albia		26							22					25							21	
8	Montgomery	Red Oak		5								1				4						31		
7	Muscataine	Muscataine	6			11					28						10					27		
4	O'Brien	Primghar				10							6			9								5
4	Osceola	Sibley			25								21			24								20
3	Page	Clarinda		1							13					28						12		
14	Palo Alto	Emmetsburg		23							26					22						25		
4	Plymouth	Le Mars		1							16					28						17		
14	Pocahontas	Pocahontas Center	26								20					24						19		
5	Polk	Des Moines		26								8				25							14	
18	Pottawattamie	Council Bluffs				17						6				16								5
6	Poweshiek	Montezuma		16		21										21			20					
3	Ringgold	Mt. Ayr	26			14										10			13			6		
14	Sac	Sac City	12								6					1								
7	Scott	Davenport		3		25					19					1			24			15		
18	Shelby	Harlan	12							16						10								
4	Sioux	Orange City			4							30					3							29
11	Story	Nevada		3						31						1						30		
8	Tama	Toledo		16							13					21						12		
3	Taylor	Bedford		16						30						14						29		
3	Union	Afton			10								6				9							5
2	Van Buren	Keosauqua	12							16						10						15		
2	Wapello	Ottumwa	26							30						24						29		
5	Warren	Indianola		5						2						3						1		
6	Washington	Washington		15								16				21								31
2	Wayne	Corydon		29							25					28							24	
11	Webster	Fort Dodge		9							28					8						27		
12	Winnebago	Forest City	26								27					24						26		
10	Winnebago	Decorah		8							18					7							17	
4	Woodbury	Sioux City		15								1				14						31		
12	Worth	Northwood		16							4					21							3	
11	Wright	Clarion		20								2				19							1	



## CIRCUIT COURT.

Judicial Districts.	COUNTIES.	COUNTY SEATS.	CIRCUIT COURT.																					
			1880.												1881.									
			January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.
5	Adair	Greenfield	19							2					10						1			
9	Adams	Corning	12			31									10				30					
10	Allamakee	Waukon	23								11				28								12	
2	Appanoose	Centerville	12							16					10						16			
13	Audubon	Audubon			1						28					31						27		
8	Benton	Vinton			17								13						16					12
9	Black Hawk	Waterloo	5		19					13					3				18					
11	Boone	Boonsboro				10													9				21	
12	Bremer	Waverly		2						4						7						3		
9	Buchanan	Independence		9	5					4						14	4						3	
14	Buena Vista	Storm Lake	17							28						15						27		
12	Butler	Butler Center					21				1								20				7	
14	Calhoun	Rockwell City		29								1				28						24		
13	Carroll	Carroll	22							27					20							26		
13	Cass	Atlantic			12						8						11						7	
8	Cedar	Tipton		9						13						14						12		
12	Cerro Gordo	Mason City	19			7									17				6					
4	Cherokee	Cherokee			19						29					18						29		28
10	Chickasaw	New Hampton		15							25					21						31		
3	Clarke	Osceola	16							30						14								
14	Clay	Spencer	9							21						7						19		
10	Clayton	Elkader			31						8								30				14	
7	Clinton	Clinton	5		12					6					3				11			6		
13	Crawford	Denison	12							20					10							19		
5	Dallas	Adel		2					23						24						22			
2	Davis	Bloomfield			26						23						25						21	
8	Decatur	Leon		22						18						21						17		
9	Delaware	Delhi	26		10						22				24				9				28	
1	Des Moines	Burlington		15						20				6		21					19			5
14	Dickinson	Spirit Lake	26							6					24						5			
9	Dubuque	Dubuque	23		31						25					28			30				24	
14	Emmet	Swan Lake	21							1					19						31			
10	Fayette	West Union			3						29								2				28	
15	Floyd	Charles City	5		17						20				3				16			19		
11	Franklin	Hampton		1						20						28						19		
13	Fremont	Sidney			24								20						23				19	
13	Greene	Jefferson		8						4						7						3		
9	Grundy	Grundy Center		22	24						6					21			23				12	
5	Guthrie	Guthrie Center			24								6						23					5
11	Hamilton	Webster City		2					30						31						29			
12	Hancock	Concord			10					18									9				17	
11	Hardin	Eldora		11						30						10						29		
4	Harrison	Loga		15						18						14						17		
1	Henry	Mt. Pleasant		2	3					6						7			2			5		
10	Howard	Cresco		2						27						7					26			
14	Humboldt	Dakota			3								6						3					6
14	Ida	Ida Grove		16							12					15						11		
8	Iowa	Marion			12						8					11							14	
7	Jackson	Maquoketa		10		18					19					8			17				18	
6	Jasper	Newton			22						22					28							28	
6	Jefferson	Fairfield		5						6						3						5		
8	Johnson	Iowa City			8						18					14							17	
8	Jones	Anamosa		23						27						28						26		
6	Keokuk	Sigourney		2							4					7						3		

## CIRCUIT COURT—CONTINUED.

Judicial Districts.	COUNTIES.	COUNTY SEATS.	CIRCUIT COURT.																							
			1880.												1881.											
			January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
14	Kossuth	Algona						24					2	13				23								12
1	Lee	Keokuk			2												1								1	
1	Lee	Ft. Madison		6		6						5	2		4		5							4		
8	Linn	Marion		5				7											6							
1	Louis	Wapello			1					2		15			3		7					1		21		
2	Lucas	Chariton										13				14										
4	Lyon	Rock Rapids			17							5				15								4		
5	Madison	Winterset					5						1				4								7	
6	Mahaska	Oskaloosa			16							18				21								17		
6	Marion	Knoxville				8						8				14								14		
11	Marshall	Marshalltown					5					18					4							17		
13	Mills	Glenwood						3				29					2							28		
12	Mitchell	Osage					19						6				18								5	
4	Monona	Onawa						5				15					4							14		
2	Monroe	Albia				1					27					28							26			
3	Montgomery	Red Oak		26				14							24											
7	Muscatine	Muscatine			23			21					8			21									7	
4	O'Brien	Primghar			9						27					7							26			
4	Osceola	Sibley			23							11				21								10		
3	Page	Clarinda					10					29					9							28		
14	Palo Alto	Emmetsburg		12						23						10						22				
4	Plymouth	Le Mars						8				13					2								12	
14	Pocahontas	Pocahontas Center					5					8				3		4				5	31			
5	Polk	Des Moines		5				14			6	15				3				13				21		
13	Pottawattamie	Council Bluffs			2					16					31						15					
6	Poweshiek	Montezuma				19						1													19	
3	Ringgold	Mt. Ayr				12											11						31			
14	Sac	Sac City			22						25					21								17		
7	Scott	Davenport			29						13		13			28							12			12
13	Shelby	Harlan			22							18				21							17			
4	Sioux	Orange City			2						20				31								19			
11	Story	Nevada				26						8					25							7		
8	Tama	Toledo				26						22					25							28		
3	Taylor	Bedford				26						15					25							14		
3	Union	Afton				1					18					28										
2	Van Buren	Keosauqua				12						11					11						10			
2	Wapello	Ottumwa				15						25					14							24		
5	Warren	Indianola					17					4						16						3		
6	Washington	Washington		19							20					17										
2	Wayne	Corydon			2					30						31							29			
11	Webster	Fort Dodge						1					14							31					13	
12	Winnebago	Forest City					3					25						2						24		
10	Winneshiek	Decorah		5							6					3						5				
4	Woodbury	Sioux City		5						30						3							29			
12	Worth	Northwood				12						15					11							21		
11	Wright	Clarion		24							14					22							13			

STATE OF IOWA. ss.

I hereby certify that the foregoing table is a full, true, and complete list of the times of holding District and Circuit Courts in the State of Iowa for the years 1880 and 1881, as shown by the orders of the Judges of said Courts now on file in my office, as required by section 165, Code of 1873.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at Des Moines, this 14th day of November, A. D. 1879.

[L. S.]

J. A. T. HULL, Secretary of State.

## ERRATA.

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On page 238, Index, 37th and 38th lines from top of page, under head of "County Auditor," read:

Compensation of.....	178
Shall keep accurate accounts of fees.....	180













